

Regular Session, 2010

HOUSE BILL NO. 1337

BY REPRESENTATIVES ROBIDEAUX, TIM BURNS, CARMODY, CARTER,
CORTEZ, GREENE, HARDY, HENDERSON, KATZ, LANDRY, LIGI,
PEARSON, AND TUCKER

RETIREMENT/STATE SYSTEMS: Relative to the state retirement systems, makes
changes to the benefits for persons hired on or after January 1, 2011

1 AN ACT
2 To amend and reenact R.S. 11:62(4), (5)(a) and (c) and (10), 203, 211, 212, 214, 231,
3 403(5), 441(A) and (F), 444(A), 461(B), 471(A), 478(A), 551, 553 (introductory
4 paragraph), 581, 601(B), 602, 701(5)(a), (b), and (c)(i), 761(A)(3), 768(B)(2),
5 778(C) and (D), 779, 1002(6)(b), 1141(A), 1144(B)(2)(a) and (3), 1147(C)(2)(b),
6 1151(A), 1307(A), 1310(A), 1313(B)(introductory paragraph), 1316(A),
7 1317(A)(1)(introductory paragraph), 1318(A), 1319, 1320(A), 1321(A)(1),
8 1322(A)(introductory paragraph) and to enact R.S. 11:62(5)(g), 471.1, Subpart D
9 of Part VII of Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes
10 of 1950, to be comprised of R.S. 11:611 through 619, 761(A)(4), 779.1, 1002(6)(c),
11 1144(B)(4), 1147(C)(2)(a)(iii), 1151.1, 1313(C), 1323, 1323.1, Part III of Chapter
12 4 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised
13 of R.S. 11:1345.1 through 1345.9, and R.S. 24:36(M), relative to the Louisiana State
14 Employees' Retirement System, the Teachers' Retirement System of Louisiana, the
15 State Police Pension and Retirement System, and the Louisiana School Employees'
16 Retirement System; to provide relative to membership, employee contributions,
17 benefit calculation, survivor benefits, disability benefits, and retirement eligibility
18 for members of such systems newly hired after a certain date; to provide an effective
19 date; and to provide for related matters.

1 Notice of intention to introduce this Act has been published
2 as provided by Article X, Section 29(C) of the Constitution
3 of Louisiana.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 11:62(4), (5)(a) and (c) and (10), 203, 211, 212, 214, 231, 403(5),
6 441(A) and (F), 444(A), 461(B), 471(A), 478(A), 551, 553 (introductory paragraph), 581,
7 601(B), 602, 701(5)(a), (b), and (c)(i), 761(A)(3), 768(B)(2), 778(C) and (D), 779,
8 1002(6)(b), 1141(A), 1144(B)(2)(a) and (3), 1147(C)(2)(b), 1151(A), 1307(A), 1310(A),
9 1313(B)(introductory paragraph), 1316(A), 1317(A)(1)(introductory paragraph), 1318(A),
10 1319, 1320(A), 1321(A)(1), 1322(A)(introductory paragraph) are hereby amended and
11 reenacted and R.S. 11:62(5)(g), 471.1, Subpart D of Part VII of Chapter 1 of Subtitle II of
12 Title 11 of the Louisiana Revised Statutes of 1950, comprised of R.S. 11:611 through 619,
13 761(A)(4), 779.1, 1002(6)(c), 1144(B)(4), 1147(C)(2)(a)(iii), 1151.1, 1313(C), 1323, 1323.1,
14 and Part III of Chapter 4 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 11:1345.1 through 1345.9 are hereby enacted to read as follows:

16 §62. Employee contribution rates established

17 Employee contributions to state and statewide public retirement systems shall
18 be paid at the following rates:

19 * * *

20 (4) Louisiana School Employees' Retirement System ~~=7.5%~~ :

21 (a) Employed on or before December 31, 2010 - 7.5%

22 (b) Employed on or after January 1, 2011 - 8%

23 (5) Louisiana State Employees' Retirement System:

24 (a) Judges, court officers, the governor, lieutenant governor and legislators

25 ~~=11.5%~~ :

26 (i) Employed on or before December 31, 2010 - 11.5%

27 (ii) Employed on or after January 1, 2011 - 8%

28 * * *

1 (c) Clerk and sergeant at arms of the House of Representatives and Secretary
 2 and sergeant at arms of the Senate ~~=9.5%~~ ;

3 (i) Employed on or before December 31, 2010 - 9.5%

4 (ii) Employed on or after January 1, 2011 - 8%

5 * * *

6 (g) "Members" of the Hazardous Duty Services Plan, as defined in R.S.
 7 11:612 - 9.5%.

8 * * *

9 (10) State Police Pension and Retirement System ~~=8.5%~~ ;

10 (a) Employed on or before December 31, 2010 - 8.5%

11 (b) "Members" of the New State Police Retirement Plan as defined in R.S.
 12 11:1345.2 - 9.5%

13 * * *

14 §203. Teachers' Retirement System

15 A. A member who becomes disabled, and who files for disability benefits
 16 while in service, and who upon medical examination and certification, as provided
 17 for elsewhere in this Subpart, is found to be totally disabled for any cause, shall be
 18 entitled to disability benefits under the provisions of ~~R.S. 11:778(B), provided the~~
 19 ~~member has at least five years of creditable service, and R.S. 11:778 and 779,~~
 20 provided that the disability was incurred while the member was an active
 21 contributing member in active service. However, if the application for disability
 22 benefits is not filed while the member is in service, it shall be presumed that the
 23 disability was not incurred while the member was an active contributing member in
 24 active service. Such presumption may be overcome only by clear, competent, and
 25 convincing evidence that the disability was incurred while the member was an active
 26 contributing member in active service.

27 B.(1) A person whose first employment making him eligible for system
 28 membership occurs on or before December 31, 2010, applying for a disability benefit
 29 shall have five years of actual credited service in order to qualify for a disability

1 benefit. Such member shall not use credit earned while receiving workers'
2 compensation in order to meet the minimum five-year eligibility requirement.

3 (2) A person whose first employment making him eligible for system
4 membership occurs on or after January 1, 2011, applying for a disability benefit shall
5 have ten years of actual credited service in order to qualify for a disability benefit.
6 Such member shall not use credit earned while receiving workers' compensation in
7 order to meet the minimum ten-year eligibility requirement.

8 ~~B.~~ C. A member covered by R.S. 11:801 of this system, who becomes
9 disabled, and who files for disability benefits while in service, and who upon medical
10 examination and certification as provided for elsewhere in this Subpart, is found to
11 be totally disabled for any cause, shall be entitled to disability benefits under the
12 provisions of R.S. 11:805, provided the member has at least five years of creditable
13 service, and provided that the disability was incurred while the member was an
14 active contributing member in active service. However, if the application for
15 disability benefits is not filed while the member is in service, it shall be presumed
16 that the disability was not incurred while the member was an active contributing
17 member in active service. Such presumption may be overcome only by clear,
18 competent, and convincing evidence that the disability was incurred while the
19 member was an active contributing member in active service.

20 * * *

21 §211. State Police Retirement Fund

22 A. A member whose first employment making him eligible for system
23 membership occurs on or before December 31, 2010, who becomes disabled, and
24 who files for disability benefits while in service, and who upon medical examination
25 and certification as provided for elsewhere in this Subpart is found to be either
26 totally or partially disabled solely as the result of injuries sustained in the
27 performance of his official duties, or totally disabled for any cause, provided the
28 member has at least five years of creditable service, and provided that the disability

1 was incurred while the member was an active contributing member in active service,
2 shall be entitled to disability benefits under the provisions of R.S. 11:1313(B).

3 B. A member whose first employment making him eligible for system
4 membership occurs on or after January 1, 2011, who becomes disabled and who
5 files for disability benefits while in service, and who upon medical examination and
6 certification as provided for elsewhere in this Subpart is found to be either totally or
7 partially disabled solely as the result of injuries sustained in the performance of his
8 official duties, or totally disabled for any cause, provided the member has at least ten
9 years of creditable service, and provided that the disability was incurred while the
10 member was an active contributing member in active service, shall be entitled to
11 disability benefits under the provisions of R.S. 11:1357.

12 C. ~~However, if~~ If the application for disability benefits is not filed while the
13 member is in service, it shall be presumed that the disability was not incurred while
14 the member was an active contributing member in active service. Such presumption
15 may be overcome only by clear, competent, and convincing evidence that the
16 disability was incurred while the member was an active contributing member in
17 active service.

18 §212. Louisiana State Employees' Retirement System

19 A. A member who becomes disabled, and who is not eligible for regular
20 retirement, and who files for disability benefits while in service, and who upon
21 medical examination and certification, as provided for elsewhere in this Subpart, is
22 found to be totally disabled for any cause, shall be entitled to disability benefits
23 under the provisions of R.S. 11:461(B), provided the member has at least ten years
24 of creditable service, and provided that the disability was incurred while the member
25 was an active contributing member in active state service. ~~However, if the~~
26 ~~application for disability benefits is not filed while the member is in state service, it~~
27 ~~shall be presumed that the disability was not incurred while the member was an~~
28 ~~active contributing member in active state service; such presumption may be~~

~~overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active state service.~~

B.(1) Subject to the appropriation of funds for this purpose, a member of the Louisiana State Employees' Retirement System who is first employed as a correction officer, probation or parole officer, or security officer of the Department of Public Safety and Corrections on or before December 31, 2010, and who, upon medical examination and certification as provided in this Subpart, is found to be either totally disabled or partially disabled or incapacitated solely as the result of injuries sustained in the official performance of official duties of a hazardous nature, shall be entitled to disability benefits under the provisions of R.S. 11:461(B) regardless of the number of years of service, provided the member has been a correction officer, probation or parole officer, or a security officer of the Department of Public Safety and Corrections.

(2) Any member who is first employed as a correction officer, probation or parole officer, or security officer of the Department of Public Safety and Corrections on or after January 1, 2011, and who, upon medical examination and certification as provided in this Subpart, is found to be totally and permanently disabled solely as the result of injuries sustained in the official performance of official duties of a hazardous nature, or totally disabled other than in the performance of his duties, shall be entitled to disability benefits under the provisions of R.S. 11:617.

C. If the application for disability or survivors' benefits is not filed while the member is in state service, it shall be presumed that the disability was not incurred while the member was an active contributing member in active service. Such presumption may be overcome only by clear, competent, and convincing evidence that the disability was incurred while the member was an active contributing member in active service.

* * *

(2) A member who is first employed by the enforcement division in the Department of Wildlife and Fisheries on or after January 1, 2011, who becomes disabled and who files for disability benefits while in service, and who upon medical examination and certification as provided for elsewhere in this Subpart is found to be totally and permanently disabled solely as the result of injuries sustained in the performance of his official duties, or totally disabled for any cause, provided the member has at least ten years of creditable service, shall be entitled to disability benefits under the provisions of R.S. 11:617.

* * *

1 §231. Average compensation

2 A. Notwithstanding any other provisions of law to the contrary, the
3 provisions of this Section shall be applicable, unless specifically exempted in
4 Subsection C ~~below~~ of this Section, to all members of the following public
5 retirement systems:

6 ~~(1) Louisiana State Employees' Retirement System.~~

7 ~~(2) State Police Pension and Retirement System.~~

8 ~~(4)~~ (1) Assessors' Retirement Fund.

9 ~~(5)~~ (2) Clerks' of Court Retirement and Relief Fund.

10 ~~(6)~~ (3) District Attorneys' Retirement System.

11 ~~(7)~~ (4) Municipal Employees' Retirement System of Louisiana.

12 ~~(9)~~ (5) Registrars of Voters Employees' Retirement System.

13 ~~(10)~~ (6) Sheriffs' Pension and Relief Fund.

14 ~~(11)~~ (7) Municipal Police Employees' Retirement System.

15 B. For purposes of retirement benefit computation, average compensation,
16 or its equivalent, shall be based on the thirty-six highest successive months of
17 employment, or on the highest thirty-six successive joined months of employment
18 where interruption of service occurred. The earnings to be considered for the
19 thirteenth through the twenty-fourth month shall not exceed one hundred and
20 twenty-five percent of the earnings of the first through the twelfth month. The
21 earnings to be considered for the final twelve months shall not exceed one hundred
22 and twenty-five percent of the earnings of the thirteenth through the twenty-fourth
23 month. Nothing ~~herein~~ in this Subsection, however, shall change the method of
24 determining the amount of earned compensation received.

25 C.~~(1) This Section shall not apply to members of the State Police Pension~~
26 ~~and Retirement System who become members on or before September 8, 1978, but~~
27 ~~it shall apply to all persons who become members of the State Police Pension and~~
28 ~~Retirement System on or after September 9, 1978.~~

~~(2) This Section shall not apply to members of the Louisiana State Employees' Retirement System whose first employment making them eligible for system membership began on or after July 1, 2006, or to any person who receives an additional benefit pursuant to R.S. 11:557, 582, or 602 or R.S. 24:36.~~

5 (3) This Section shall not apply to members of the following retirement
6 systems whose first employment making them eligible for system membership began
7 on or after July 1, 2006:

8 (a) Clerks' of Court Retirement and Relief Fund.

9 (b) Municipal Employees' Retirement System.

10 (c) Registrars of Voters Employees' Retirement System.

11 (d) Sheriffs' Pension and Relief Fund.

(4) (2) This Section shall not apply to members of the Parochial Employees' Retirement System whose first employment making them eligible for system membership began on or after January 1, 2007.

15 ~~(5)~~ (3) This Section shall not apply to members of the Assessors' Retirement
16 Fund whose first employment making them eligible for system membership began
17 on or after October 1, 2006.

~~(6) This Section shall not apply to members of the Louisiana School Employees' Retirement System whose first employment making them eligible for system membership began on or after July 1, 2006.~~

21 * * *

22 §403. Definitions

The following words and phrases used in this Chapter shall have the following meanings, unless a different meaning is clearly required by the context:

25 * * *

(5)(a)(i) "Average compensation", for a member whose first employment making him eligible for membership in the system began on or before June 30, 2006, and for any person who receives an additional benefit pursuant to R.S. 11:444(A)(2)(b) or (c), 557, 582, or 602 or R.S. 24:36 whose first employment

1 making him eligible for receiving such additional benefit began on or before
2 December 31, 2010, means the average annual earned compensation of a state
3 employee for the thirty-six highest months of successive employment, or for the
4 highest thirty-six successive joined months of employment where interruption of
5 service occurred; however, average compensation for part-time employees who do
6 not use thirty-six months of full-time employment for average compensation
7 purposes shall be based on the base pay the part-time employee would have received
8 had he been employed on a full-time basis.

9 (ii) The earnings to be considered for the thirteenth through the
10 twenty-fourth month shall not exceed one hundred and twenty-five percent of the
11 earnings of the first through the twelfth month. The earnings to be considered for the
12 final twelve months shall not exceed one hundred and twenty-five percent of the
13 earnings of the thirteenth through the twenty-fourth month. Nothing in this
14 Subparagraph, however, shall change the method of determining the amount of
15 earned compensation received.

16 (b)(i) "Average compensation", for a member whose first employment
17 making him eligible for membership in the system began on or after July 1, 2006,
18 and subject to the limitations provided in this Subparagraph, means the average
19 annual earned compensation of a state employee for the sixty highest months of
20 successive employment or for the highest sixty successive joined months of
21 employment where interruption of service occurred; however, average compensation
22 for part-time employees who do not use sixty months of full-time employment for
23 average compensation purposes shall be based on the base pay the part-time
24 employee would have received had he been employed on a full-time basis. This Item
25 shall also be applicable to any judge, court officer, governor, lieutenant governor,
26 clerk or sergeant-at-arms of the House of Representatives, secretary or sergeant-at-
27 arms of the Senate, or state treasurer whose first employment making him eligible
28 for membership began on or after January 1, 2011.

(ii) The earnings to be considered for persons to whom Item (i) of this Subparagraph applies for the thirteenth through the twenty-fourth month shall not exceed one hundred fifteen percent of the earnings of the first through the twelfth month. The earnings to be considered for the twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen percent of the earnings of the thirteenth through the twenty-fourth month. The earnings to be considered for the thirty-seventh through the forty-eighth month shall not exceed one hundred fifteen percent of the earnings of the twenty-fifth through the thirty-sixth month. The earnings for the final twelve months shall not exceed one hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth month. The limitations on the computation of average compensation contained in this Item shall not apply to any twelve-month period during which compensation increased by more than fifteen percent over the previous twelve-month period solely because of an increase in compensation by a uniform systemwide increase adopted by the state Department of Civil Service and approved by the governor or because of a pay adjustment enacted by the legislature. This Item shall also be applicable to any judge, court officer, member of the Louisiana Legislature, governor, lieutenant governor, clerk or sergeant-at-arms of the House of Representatives, secretary or sergeant-at-arms of the Senate, or state treasurer whose first employment making him eligible for membership began on or after January 1, 2011.

(iii) The provisions of this Subparagraph shall not apply to any person who receives an additional benefit pursuant to R.S. 11:444(A)(2)(b) or (c), 557, 582, or 602 or R.S. 24:36 whose first employment making him eligible for receiving such additional benefit began on or after January 1, 2011.

* * *

§441. Eligibility for retirement

A.(1) Any member hired on or before June 30, 2006, ~~or~~ and any member who receives a benefit calculated pursuant to R.S. 11:444(A)(2)(b) and was hired on or before December 31, 2010, shall be eligible for retirement if he has:

1 (a) Thirty years or more of service, at any age.
2 (b) Twenty-five years or more of service, at age fifty-five or thereafter.
3 (c) Ten years or more of service, at age sixty or thereafter.
4 (d) Twenty years of service credit at any age, exclusive of military service
5 and unused annual and sick leave, but any person retiring under this Subparagraph
6 shall have his benefit, inclusive of military service credit and allowable unused
7 annual and sick leave, actuarially reduced from the earliest age that he would
8 normally become eligible for a regular retirement benefit under Subparagraph (a),
9 (b), or (c) of this Paragraph if he had continued in service to that age. Any employee
10 who elects to retire under the provisions of this Subparagraph shall not be eligible
11 to participate in the Deferred Retirement Option Plan provided by R.S. 11:447 or the
12 Initial Benefit Option provided by R.S. 11:446(A)(5).

13 (2)(a) Any member hired on or after July 1, 2006, shall be eligible for
14 retirement if he has ten years or more of service, at age sixty or thereafter.

15 (b) Except for members of the Hazardous Duty Services Plan, as defined in
16 R.S. 11:612, any member whose first employment making him eligible for
17 membership began on or after January 1, 2011, including any judge, court officer,
18 governor, lieutenant governor, clerk or sergeant-at-arms of the House of
19 Representatives, secretary or sergeant-at-arms of the Senate, or state treasurer, shall
20 be eligible for retirement if he has:

21 (i) Five years or more of service, at age sixty or thereafter.

22 (ii) Twenty years of service credit at any age, exclusive of military service
23 and unused annual and sick leave, but any person retiring under this Item shall have
24 his benefit, inclusive of military service credit and allowable unused annual and sick
25 leave, actuarially reduced from the earliest age that he would normally become
26 eligible for a regular retirement benefit under Item (i) of this Subparagraph if he had
27 continued in service to that age. Any employee who elects to retire under the
28 provisions of this Item shall not be eligible to participate in the Deferred Retirement

1 Option Plan provided by R.S. 11:447 or the Initial Benefit Option provided by R.S.
2 11:446.

3 (3) Any full-time law enforcement personnel, supervisor, or administrator
4 who is employed with the Department of Revenue, office of alcohol and tobacco
5 control, on June 30, 2007, or thereafter, but on or before December 31, 2010, who
6 is P.O.S.T.-certified, who has the power to arrest, and who holds a commission from
7 such office shall be eligible to retire if he has:

8 (a) Twenty-five years or more of service, at any age.

9 (b) Ten years or more of service, at age sixty or thereafter.

10 (c) Twenty years of service credit at any age, exclusive of military service
11 and unused annual and sick leave, but any person retiring under this Subparagraph
12 shall have his benefit, inclusive of military service credit and allowable unused
13 annual and sick leave, actuarially reduced from the earliest age that he would
14 normally become eligible for a regular retirement benefit under Subparagraph (a) or
15 (b) of this Paragraph if he had continued in service to that age. Any employee who
16 elects to retire under the provisions of this Subparagraph shall not be eligible to
17 participate in the Deferred Retirement Option Plan provided by R.S. 11:447 or the
18 Initial Benefit Option provided by R.S. 11:446(A)(5).

19 * * *

20 F. Notwithstanding the provisions of Subsection A of this Section or any
21 other provision of law to the contrary, ~~employees of~~ persons who are first employed
22 by the bridge police section of the Crescent City Connection Division of the
23 Department of Transportation and Development on or before December 31, 2010,
24 who are members of the system shall be eligible for retirement at any age upon
25 attaining twenty-five or more years of service credit, at least ten of which were
26 served immediately prior to application for retirement in a position with the bridge
27 police section of the Crescent City Connection Division of the Department of
28 Transportation and Development.

29 * * *

1 §444. Computation of retirement benefit

2 A.(1)(a) A member who retires effective on or after July 1, 1973, shall
3 receive a maximum retirement allowance equal to two and one-half percent of
4 average compensation, as determined under R.S. 11:231, for every year of creditable
5 service, plus three hundred dollars.

6 (b) The additional sum of three hundred dollars referenced in Subparagraph
7 (a) of this Paragraph shall only apply to a person who became a member prior to July
8 1, 1986.

9 (2)(a) Public safety service employees as those employees are referred to as
10 "member" or "members" in R.S. 11:601(B) whose first employment making them
11 eligible for membership began on or before December 31, 2010, shall receive a
12 retirement allowance computed in accordance with R.S. 11:602.

13 (b) Peace officers, as defined by R.S. 40:2402~~(1)~~(3)(a), employed by the
14 Department of Public Safety and Corrections, office of state police, other than state
15 troopers, whose first employment making them eligible for membership began on
16 or before December 31, 2010, shall receive a maximum retirement allowance in
17 accordance with the following:

18 (i)(aa) Any person employed as a peace officer on or before June 30, 2006,
19 shall receive a benefit equal to three and one-third percent of average compensation,
20 as determined under R.S. 11:231, for every year of creditable service in the
21 retirement system whether or not such service was rendered as a peace officer, not
22 to exceed one hundred percent of the member's average compensation.

23 (bb) Any person employed as a peace officer on or before June 30, 2006,
24 who was participating in the Deferred Retirement Option Plan on June 30, 2007, or
25 who had continued in employment as of such date after completion of plan
26 participation shall have his base benefit recalculated to reflect the increase in benefits
27 provided pursuant to Subitem (aa) of this Item. The balance in his plan account and
28 any subsequent contributions to such account shall be increased to reflect such
29 benefit increase.

1 (ii) Any person first employed as a peace officer after June 30, 2006, but
2 before December 31, 2010, shall receive a benefit equal to three and one-third
3 percent of average compensation, as determined under R.S. 11:231, for every year
4 of creditable service as a peace officer, not to exceed one hundred percent of the
5 member's average compensation.

6 (iii) Any peace officer to whom this Subparagraph applies who continues in
7 employment after participation in the Deferred Retirement Option Plan shall receive
8 a supplemental benefit pursuant to R.S. 11:450(D) for such continued employment
9 calculated using the accrual rate of three and one-third percent.

10 (c)(i) Full-time law enforcement personnel, supervisors, and administrators
11 who are employed with the Department of Revenue, office of alcohol and tobacco
12 control, on June 30, 2007, who are P.O.S.T.-certified, who have the power to arrest,
13 and who hold a commission from such office shall receive a maximum retirement
14 allowance equal to three and one-third percent of average compensation, as
15 determined pursuant to R.S. 11:231, for:

16 (aa) Every year of creditable service in the retirement system earned on or
17 before June 30, 2007, as a peace officer as defined in R.S. 40:2402~~(1)~~(3)(a) in
18 compliance with the certification requirements applicable when such credit was
19 earned, whether or not such service was rendered as such a commissioned alcohol
20 and tobacco control officer, and

21 (bb) Every year of creditable service earned thereafter as such a
22 commissioned alcohol and tobacco control officer.

23 (ii) Full-time law enforcement personnel, supervisors, and administrators
24 who become employed by the Department of Revenue, office of alcohol and tobacco
25 control, on or after July 1, 2007, but before December 31, 2010, who are P.O.S.T.-
26 certified, who have the power to arrest, and who hold a commission from such office
27 shall receive a maximum retirement allowance equal to three and one-third percent
28 of average compensation, as determined pursuant to R.S. 11:231, for every year of

1 creditable service in the retirement system earned as such a commissioned alcohol
2 and tobacco control officer.

3 (3) In computing retirement allowances, any fractional period of service shall
4 be taken into account and a proportionate amount of such retirement allowance,
5 annuity, or benefit shall be granted. The retirement benefits provided pursuant to the
6 provisions of this Chapter shall not exceed one hundred percent of the member's
7 average compensation.

8 * * *

9 §461. Eligibility; certification

10 * * *

11 B. The board of trustees shall award disability benefits to eligible members
12 who have been officially certified as disabled by the State Medical Disability Board.
13 The disability benefit shall be determined as follows:

14 (1) Except as otherwise provided in this Section, a member shall receive a
15 maximum disability retirement benefit which shall be equivalent to the regular
16 retirement formula without reduction by reason of age.

17 (2) Subject to the appropriation of funds for this purpose, a corrections
18 officer, probation or parole officer, or a security officer of the Louisiana Department
19 of Public Safety and Corrections who becomes disabled solely as a result of
20 disabilities sustained in the official performance of official duties of a hazardous
21 nature shall receive a maximum disability benefit of sixty percent of average
22 compensation. The agency shall certify that the disability was sustained while the
23 member was performing official duties while on active status and the disability must
24 be certified by a physician on the State Medical Disability Board. Any such officer
25 whose first employment as a corrections officer, probation or parole officer, or a
26 security officer of the Louisiana Department of Public Safety and Corrections began
27 on or after January 1, 2011, shall be subject to provisions of R.S. 11:617.

28 (3)(a) For any person whose employment first making him eligible for
29 membership in the system occurred on or before June 30, 2006, or who has attained

1 the age of sixty regardless of hire date, or anyone who receives an additional benefit
2 pursuant to R.S. 11:444(A)(2)(b) or (c) or 557 or R.S. 24:36 whose first employment
3 making him eligible for such additional benefit began on or before December 31,
4 2010, the disability retiree may retire under any of the regular retirement plans which
5 applies to him.

6 (b) Any person who has not attained the age of sixty and whose employment
7 first making him eligible for membership in the system occurred on or after July 1,
8 2006, shall receive a disability benefit equal to two and one-half percent of average
9 compensation for every year of creditable service. When the disability retiree attains
10 the age of sixty, he shall receive his regular retirement benefit upon making
11 application therefor to the board. The provisions of this Subparagraph shall not
12 apply to any person who receives an additional benefit pursuant to R.S.
13 11:444(A)(2)(b) or (c) or 557 or R.S. 24:36 whose first employment making him
14 eligible for such additional benefit began on or before December 31, 2010.

15 (4) Selection of retirement option ~~need not~~ shall be made when application
16 is filed. ~~Selection may be made after the applicant receives his disability retirement~~
17 ~~estimate.~~ Upon the death of a disability retiree, his benefit shall be payable in
18 accordance with the option selected at the time of application for disability
19 retirement. Accumulated annual leave for which payment cannot be made upon
20 retirement and unused sick leave accumulated upon retirement shall be credited to
21 the extension of service in the computation of disability retirement benefits.

22 * * *

23 §471. Survivors' benefits; members hired on or before December 31, 2010

24 A. Surviving minor children. Benefits for the surviving children of members
25 whose first employment making them eligible for membership in the system
26 occurred on or before December 31, 2010, shall be calculated as set forth in this
27 Section. The benefit or benefits shall be based on the average compensation of the
28 member. A benefit shall be payable to surviving unmarried minor children of a
29 member who had at least five years of creditable service, at least two years of which

1 was earned immediately prior to death, and was in state service at the time of death
2 or had twenty years or more of service credit regardless of when earned and whether
3 the deceased member was in the state service at the time of death.

4 * * *

5 §471.1. Survivors' benefits; members hired on or after January 1, 2011

6 A. Survivors benefits shall be due and payable by the system effective the
7 first day of the next month following the death of a member whose first employment
8 making him eligible for membership in the system occurred on or after January 1,
9 2011, but shall not be paid until a properly completed and acceptable application is
10 received by the system and all proper certifications have been received by the
11 system.

12 B.(1) A surviving spouse with a minor or handicapped child, or mentally
13 disabled child, or children shall be paid per month, for so long as one or more
14 children remain eligible for benefits under Subsection C of this Section, fifty percent
15 of the benefit to which the member would have been entitled if he had retired on the
16 date of his death using the member's applicable accrual rate regardless of years of
17 service or age, or six hundred dollars per month, whichever is greater, provided the
18 deceased member was an active member at the time of death and had five or more
19 years of service credit, at least two years of which were earned immediately prior to
20 death or provided the deceased member had twenty or more years of service credit
21 regardless of when earned or whether the deceased member was in active service at
22 the time of death.

23 (2)(a) Benefits shall cease upon remarriage, and the surviving spouse shall
24 be liable to the system for repayment of any survivor benefits received subsequent
25 to his remarriage. The surviving spouse shall notify the system in writing within
26 thirty days of his remarriage. Failure to provide such notice shall constitute fraud for
27 purposes of R.S. 11:543.

28 (b) Benefits shall resume upon a subsequent divorce or death of a new
29 spouse.

1 ~~(c) Notwithstanding the provisions Subparagraph (a) of this Paragraph, if the~~
2 ~~member was eligible to retire on the date of his death, benefits shall not cease upon~~
3 ~~remarriage.~~

4 ~~(3) When all surviving children cease to be eligible for benefits under~~
5 ~~Subsection C of this Section, the surviving spouse shall cease to receive benefits~~
6 ~~provided by this Subsection and thereafter, if eligible, shall receive benefits in~~
7 ~~accordance with the provisions of Subsection D of this Section.~~

8 ~~C. In addition to the amount payable in accordance with Subsection B of this~~
9 ~~Section, for the benefit of the surviving minor or handicapped child, or mentally~~
10 ~~disabled child, or children, there shall be paid for each such child, subject to a~~
11 ~~maximum of two children, per month fifty percent of the benefit to which a spouse~~
12 ~~would be entitled under Subsection B of this Section. Benefits shall be payable to~~
13 ~~such children even if no spouse eligible for survivor benefits is present, provided the~~
14 ~~member had at least five years of service credit. Benefits for a child shall cease~~
15 ~~when the child is no longer a minor child as defined by this Chapter. No surviving~~
16 ~~minor child shall receive more than one survivor's benefit at any one time. If two~~
17 ~~benefits are applicable, only the larger shall be paid.~~

18 ~~D.(1) A surviving spouse without a minor or handicapped child, or mentally~~
19 ~~disabled child, or children shall be paid per month, for the remainder of his life, the~~
20 ~~Option 2-A equivalent of the benefit amount based on years of service that the~~
21 ~~member had earned to the date of his death using the applicable accrual rate; or six~~
22 ~~hundred dollars per month, whichever is greater, provided the surviving spouse had~~
23 ~~been married to the deceased member for at least one year prior to death, and~~
24 ~~provided the deceased member was an active member at the time of death and had~~
25 ~~ten or more years of service credit, at least two years of which were earned~~
26 ~~immediately prior to death or provided the deceased member had twenty or more~~
27 ~~years of service credit regardless of when earned or whether the deceased member~~
28 ~~was in active service at the time of death.~~

1 (2)(a) Benefits shall cease upon remarriage, and the surviving spouse shall
2 be liable to the system for repayment of any survivor benefits received subsequent
3 to his remarriage. The surviving spouse shall notify the system in writing within
4 thirty days of his remarriage. Failure to provide such notice shall constitute fraud for
5 purposes of R.S. 11:543.

6 (b) Benefits shall resume upon a subsequent divorce or death of a new
7 spouse.

8 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
9 if the member was eligible to retire on the date of his death, benefits shall not cease
10 upon remarriage.

11 E. The accumulated contributions of a deceased member shall be paid in a
12 lump sum refund to the natural person or persons that he designated as his
13 beneficiary, or to his succession if there is no designated beneficiary, but only if no
14 benefits under Subsection A, B, C, D, F, or G of this Section are payable. Payment
15 of accumulated contributions shall be made only upon receipt of the deceased
16 member's death certificate. Said payment to the named beneficiary or the estate
17 cancels all liability of the system to the deceased member, his named beneficiary, or
18 his estate.

19 F. In the event of death of a member leaving a surviving spouse and
20 dependent children, the total of the benefits payable under Subsections B and C of
21 this Section shall not be less each month than what would have been payable under
22 Subsection D of this Section for as long as both spouse and children are eligible to
23 receive benefits under Subsection B and C of this Section.

24 G. If a member dies, even after retirement, eligible minor children shall
25 receive the benefits under Subsection C of this Section.

26 H. The benefits payable under Subsection C of this Section shall be paid to
27 the person having legal custody of the property of the child, except in those cases
28 when a trust created under law has been created by the deceased member for the
29 benefit of the child, the terms of the instrument creating the trust so provide and the

1 system has been provided with a certified copy of the trust document, then the
2 survivor benefit shall be paid to the trust for addition to the trust property. In the
3 event that the trust is contested by any party, the system shall withhold all benefit
4 payments or deposit them in the registry of the court if a concursus proceeding is
5 filed, until there is a final binding legal agreement or judgment regarding the proper
6 payment of benefits. If the trust terminates under the terms of the trust prior to the
7 death of the child, then benefits shall be payable as otherwise provided under this
8 Subsection. The trustee of the trust shall immediately notify the system in writing
9 of the death of the child.

10 * * *

11 §478. Benefits payable to certain members killed in the line of duty; survivor
12 benefits; corrections officers hired on or before December 31, 2010

13 A. Notwithstanding any other provision of law to the contrary, if a
14 correctional officer, probation or parole officer, or a security officer of the Louisiana
15 Department of Public Safety and Corrections, whose first employment in such
16 position occurred on or before December 31, 2010, is killed in the line of duty while
17 serving in his official capacity, survivor benefits shall be payable to qualified
18 survivors as provided for in accordance with this Section, except that a surviving
19 spouse shall be eligible for benefits under this Section, without regard to the amount
20 of time that the surviving spouse was married to the deceased officer and without
21 regard to the amount of time that the deceased officer was a member of this system.
22 This benefit is payable only if the member dies as a direct result of injuries sustained
23 in the official performance of his official duties while on active duty status.

24 * * *

25 §551. Eligibility for membership

26 A. Notwithstanding anything in R.S. 11:413 to the contrary, ~~except for R.S.~~
27 ~~11:413(7) which is specifically applicable,~~ the judges and court officers set forth in
28 R.S. 11:553 who take office on and after July 1, 1983, shall become members of the
29 Louisiana State Employees' Retirement System and be eligible to obtain credit in and

1 transfer credit to the system, as set forth herein. Judges and court officers in office
2 prior to July 1, 1983, shall continue to be governed by the law applicable to them
3 prior to July 1, 1983.

4 B. Beginning January 1, 2011, the provisions of this Subpart shall not be
5 applicable to judges or court officers to whom R.S. 11:553 would otherwise apply
6 but whose first employment making them eligible for system membership began on
7 or after such date. Such persons shall continue to be members of the Louisiana State
8 Employees' Retirement System but shall be subject to the provisions of this Chapter
9 otherwise applicable to system members.

10 * * *

11 §553. Eligible judges and court officers

12 This Subpart shall apply to all ~~present and future~~ judges and court officers
13 ~~hereinafter~~ enumerated in this Section whose first employment making them eligible
14 for system membership began on or before December 31, 2010:

15 * * *

16 §581. Application; definitions

17 A. Any other provisions of Chapter 1 of Subtitle II of Title 11 or any other
18 laws to the contrary notwithstanding, the retirement of wildlife agents employed by
19 the enforcement division of the Louisiana Wildlife and Fisheries Commission on or
20 before December 31, 2010, who are members of Louisiana State Employees'
21 Retirement System, and all benefits accruing from such membership, shall be
22 governed by the provisions of this Subpart; provided that with respect to matters not
23 specifically covered by the provisions of this Subpart, reference shall be made to
24 applicable provisions of Chapter 1 of Subtitle II of Title 11. Beginning January 1,
25 2011, the provisions of this Subpart shall not be applicable to wildlife agents whose
26 first employment making them eligible for system membership began on or after
27 such date.

1 B. For purposes of this Subpart:

2 (1) The words "member", "members", "employee", or "employees" shall
3 mean wildlife agents of the enforcement division of the Louisiana Department of
4 Wildlife and Fisheries, whose first employment making them eligible for system
5 membership began on or before December 31, 2010, who are members of the
6 Louisiana State Employees' Retirement System and shall not include any other
7 members of said retirement system or members of any other retirement system to
8 which the state makes contribution or otherwise.

9 (2) The term "board of trustees" shall mean and refer to the board of trustees
10 of the Louisiana State Employees' Retirement System created and provided for by
11 Chapter 1 of Subtitle II of Title 11 of the Louisiana Revised Statutes of 1950.

12 * * *

13 §601. Application; definitions

14 * * *

15 B. For purposes of the secondary component, the words "member" or
16 "members" shall mean wardens, correctional officers, probation and parole officers,
17 and security personnel who are employed by the Department of Public Safety and
18 Corrections on or before December 31, 2010, and who are or who upon enrollment
19 as an employee would be members of the primary component, but shall not include
20 any other members of the primary component or members of any other retirement
21 system to which the state makes contributions. Beginning January 1, 2011, the
22 provisions of this Subpart shall not be applicable to wardens, correctional officers,
23 probation and parole officers, and security personnel who are employed by the
24 Department of Public Safety and Corrections on or after such date.

25 §602. Eligibility for retirement

26 A. ~~A member shall be eligible for retirement if he has attained at least~~
27 ~~twenty-five years of service credit, regardless of age.~~ A member shall be eligible for
28 retirement if he has:

29 (1) Attained at least twenty-five years of service, regardless of age.

1 (2) Attained at least ten years of service, at age sixty or thereafter.

~~B. A member shall be eligible for retirement if he has attained at least ten years of service at age sixty or thereafter.~~

4 C. A member shall receive a maximum retirement allowance equal to three
5 and one-third percent of average compensation for every year of creditable service,
6 not to exceed one hundred percent of the member's average compensation.

7 * * *

8 SUBPART D. HAZARDOUS DUTY SERVICES PLAN

9 §611. Creation of Hazardous Duty Services Plan

10 A.(1) The legislature recognizes that certain state service requires employees
11 to carry weapons and routinely be put in harm's way. These hazardous duty services
12 employees, because of the dangerous and unpredictable nature of their
13 responsibilities, should be entitled to unique retirement benefits.

14 (2) The legislature further recognizes that current law provides myriad
15 hazardous duty services plans, but that a single plan applied consistently and
16 comprehensively to all hazardous duty services positions is preferred.

17 (3) The legislature further recognizes the need for an adequate funding
18 source for all retirement benefits as required by Article X, Section 29 of the
19 Constitution of Louisiana. The Hazardous Duty Services Plan is therefore created
20 for persons whose first employment making them eligible for system membership
21 occurs on or after January 1, 2011, in hazardous duty positions, as defined in this
22 Subpart.

(4) Funding for this plan shall be actuarially sound with employee and employer contribution rates calculated and established at levels necessary to fund all benefits provided.

26 (5) Members of existing hazardous duty plans may retain membership in
27 those plans.

28 B. Any other provisions of this Chapter or any other laws to the contrary
29 notwithstanding, the retirement of hazardous duty services employees shall be

1 governed by the provisions of this Subpart; however, if provisions of this Chapter
2 cover matters not specifically addressed by the provisions of this Subpart or if any
3 of the provisions of this Chapter are made applicable in this Subpart, then those
4 provisions shall apply to members governed by this Subpart.

5 §612. Application; definitions

6 Terms not specifically defined in this Section shall have the meanings
7 provided in R.S. 11:403 unless a different meaning is clearly required by the context.

8 For purposes of this Subpart:

9 (1) "Average compensation" means the average annual earned compensation
10 of a member for the sixty highest months of successive employment, or for the
11 highest sixty successive joined months of employment where interruption of service
12 occurred; however, average compensation for part-time employees who do not use
13 sixty months of full-time employment for average compensation purposes shall be
14 based on the base pay the part-time employee would have received had he been
15 employed on a full-time basis. The earnings to be considered for the thirteenth
16 through the twenty-fourth month shall not exceed one hundred fifteen percent of the
17 earnings of the first through the twelfth month. The earnings to be considered for the
18 twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen
19 percent of the earnings of the thirteenth through the twenty-fourth month. The
20 earnings to be considered for the thirty-seventh through the forty-eighth month shall
21 not exceed one hundred fifteen percent of the earnings of the twenty-fifth through
22 the thirty-sixth month. The earnings for the final twelve months shall not exceed one
23 hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth
24 month. The limitations on the computation of average compensation contained in
25 this Paragraph shall not apply to any twelve-month period during which
26 compensation increased by more than fifteen percent over the previous twelve-month
27 period solely because of an increase in compensation by a uniform systemwide
28 increase adopted by the state Department of Civil Service and approved by the
29 governor or because of a pay adjustment enacted by the legislature.

1 (2) "Member" or "members" shall include the following persons whose first
2 employment making them eligible for system membership occurs on or after January
3 1, 2011:

4 (a) Wildlife agents of the enforcement division of the Department of
5 Wildlife and Fisheries.

6 (b) Wardens, correctional officers, security personnel, and probation and
7 parole officers employed by the Department of Public Safety and Corrections.

8 (c) Employees of the bridge police section of the Crescent City Connection
9 Division of the Department of Transportation and Development.

10 (d) Full-time law enforcement personnel, supervisors, and administrators
11 who are employed with the Department of Revenue, office of alcohol and tobacco
12 control, who are P.O.S.T.-certified, who have the power to arrest, and who hold a
13 commission from such office.

14 (e) Peace officers, as defined by R.S. 40:2402(3)(a), employed by the
15 Department of Public Safety and Corrections, office of state police, other than state
16 troopers.

17 (f) Arson investigators employed by the office of state fire marshal who are
18 P.O.S.T.-certified, who have the power to arrest, and who hold a commission from
19 such office.

20 (g) Park rangers employed by the Department of Culture, Recreation and
21 Tourism, office of state parks, who are P.O.S.T.-certified, who have the power to
22 arrest, and who hold a commission from such office.

23 (h) Campus police officers employed by the various colleges and
24 universities, who are P.O.S.T.-certified, who have the power to arrest, and who hold
25 a commission from such office.

26 (i) Hospital security officers employed by Louisiana State University Health
27 Sciences Center, who are P.O.S.T.-certified, who have the power to arrest, and who
28 hold a commission from such office.

1 (j) Investigators of the Department of Justice who are in a position required
2 to be P.O.S.T.-certified.

3 (k) All personnel employed in a position required to be P.O.S.T.-certified,
4 who have the power to arrest, and who hold a commission from such office, who are
5 otherwise members of the Louisiana State Employees' Retirement System, and are
6 not members of any other retirement system.

7 (3) "Plan" means the Hazardous Duty Services Plan created by this Subpart
8 for certain hazardous duty services employees within the Louisiana State Employees'
9 Retirement System.

10 (4) "Qualified Survivors" means a surviving spouse, a minor child as defined
11 in R.S. 11:403, and a handicapped or mentally incapacitated child.

12 (5) "System" means the Louisiana State Employees' Retirement System.

13 §613. Eligibility for membership

14 Each person who becomes an employee in state service in one of the
15 positions enumerated in R.S. 11:612(2) shall become a member of the Hazardous
16 Duty Services Plan of the system as a condition of employment.

17 §614. Eligibility for retirement

18 A. Any member shall be eligible for retirement if he has:

19 (1) Twenty-five years or more of service, at any age.

20 (2) Twelve years or more of service, at age fifty-five or thereafter.

21 (3) Twenty years of service credit at any age, exclusive of military service
22 and unused annual and sick leave, but any person retiring under this Paragraph shall
23 have his benefit, inclusive of military service credit and allowable unused annual and
24 sick leave, actuarially reduced. Any member retiring under this Paragraph who is
25 in state service at the time of his retirement shall have his benefit actuarially reduced
26 from the earliest age that he would normally become eligible for a regular retirement
27 benefit under Paragraph (1) or (2) of this Subsection if he had continued in service
28 to that age. Any member retiring under this Paragraph who is out of state service at
29 the time of his retirement shall have his benefit actuarially reduced from the earliest

1 age that he would normally become eligible for a regular retirement benefit under
2 Paragraph (1) or (2) of this Subsection based upon his years of service as of the date
3 of retirement. Any employee who elects to retire under the provisions of this
4 Paragraph shall not be eligible to participate in the Deferred Retirement Option Plan
5 provided by R.S. 11:447 or the Initial Benefit Option provided by R.S. 11:446(A)(5).

6 B. Notwithstanding Subsection A of this Section, to be eligible to retire
7 under this plan, the member's last ten years of system eligible service shall have been
8 in one of the hazardous duty positions defined in R.S. 11:612(2). With less than ten
9 years hazardous duty service, he shall be eligible to retire at two and one-half percent
10 of his average compensation for the actual number of years of service credit provided
11 he has sufficient system service as required in Subsection A of this Section.

12 §615. Retirement benefit

13 A. A member shall receive a retirement benefit, except as provided in R.S.
14 11:614(B), equal to three and one-third percent of average compensation for every
15 year of creditable service in the Hazardous Duty Services Plan, not to exceed one
16 hundred percent of the member's average compensation.

17 B. Retirement benefits for members who had service in nonhazardous duty
18 or service under existing plans prior to entering the Hazardous Duty Services Plan
19 shall upon retirement eligibility receive a retirement benefit for that prior service
20 based on the applicable accrual rate when earned.

21 C. Upon application for retirement, members of this plan may choose any
22 of the options specified in R.S. 11:446.

23 §616. Deferred Retirement Option Plan

24 A member, except as specified in R.S. 11:614(A)(3), shall have the option of
25 participating in the Deferred Retirement Option Plan in accordance with the
26 provisions of R.S. 11:447 through 454.

27 §617. Disability retirement

28 A. Upon approval of a member's retirement based upon a total and
29 permanent disability resulting solely from injuries sustained in the performance of

1 his official duties, a member shall receive a disability benefit equal to seventy-five
2 percent of his average compensation regardless of years of service. This benefit is
3 payable only if the injury or injuries were sustained while on active duty status.

4 B. If a member's disability occurs for reasons other than in the performance
5 of his duties and the member has earned at least ten years of hazardous duty service
6 credit, then the member shall be entitled to disability benefits under the provisions
7 of R.S. 11:461(B)(1).

8 C. The disability retirement procedures contained in R.S. 11:216 through
9 225, which are not in conflict with this Section, shall apply to members.

10 D. The provisions of R.S. 11:461(B)(4) shall apply to members.

11 §618. Survivor's benefit for members killed in the line of duty

12 A. If a member's death occurs in the line of duty or is a direct result of an
13 injury sustained while in the line of duty, survivor benefits shall be payable to
14 qualified survivors as provided for in this Section, except that a survivor shall be
15 eligible for benefits under this Section without regard to the amount of time that the
16 surviving spouse was married to the deceased member and without regard to the
17 amount of time that the deceased was a member of this plan. This benefit is payable
18 only if the injury or injuries were sustained while on active duty status.

19 B. If the member has a surviving spouse, minor, or handicapped or mentally
20 incapacitated child or children, the amount of the total benefit shall equal eighty
21 percent of the member's average compensation. The benefit shall be shared equally
22 by the surviving spouse and children. When a child who is not handicapped or
23 mentally incapacitated no longer meets the definition of minor child under R.S.
24 11:403, his benefit shall cease, and the remaining beneficiaries shall have their
25 shares adjusted accordingly.

26 C. The provisions of R.S. 11:472 through 477, concerning procedures for
27 payment of survivor benefits which are not in conflict with this Section, shall apply
28 to members.

§619. Survivor's benefit for death other than in the line of duty

A. The surviving spouse or children of any active member whose death occurs other than in the performance of his duties shall have the same pension rights as provided in R.S. 11:471.1.

B. The provisions of R.S. 11:472 through 477, concerning procedures for payment of survivor benefits which are not in conflict with this Section, shall apply to members.

§701. Definitions

As used in this Chapter, the following words and phrases have the ~~meaning~~
meanings ascribed to them in this Section unless a different meaning is plainly
required by the context:

* * *

(5)(a) "Average compensation" subject to the other provisions of this Paragraph, for any teacher whose first employment making him eligible for system membership occurred on or before December 31, 2010, means the average earnable compensation of a teacher for the three highest successive years of employment, or the highest three successive joined years of employment where interruption of service occurred. For any teacher whose first employment making him eligible for system membership occurred on or after January 1, 2011, average compensation means his average earnable compensation for the five highest successive years of employment, or the highest five successive joined years where interruption of service occurred. The computation of such average compensation shall be in accordance with the following guidelines:

(i) The amount for the first through the twelfth month shall not exceed the compensation for the immediately preceding twelve months by more than ten percent for a teacher whose first employment making him eligible for system membership occurs on or before December 31, 2010, or by more than fifteen percent for a teacher hired on or after January 1, 2011.

1 (ii) The amount for the thirteenth through the twenty-fourth month shall not
2 exceed the lesser of the maximum allowable compensation amount or the actual
3 compensation amount for the first through twelfth month by more than ten percent
4 for a teacher whose first employment making him eligible for system membership
5 occurs on or before December 31, 2010, or by more than fifteen percent for a teacher
6 hired on or after January 1, 2011.

7 (iii) The amount for the twenty-fifth through the thirty-sixth month shall not
8 exceed the lesser of the maximum allowable compensation amount or the actual
9 compensation amount for the thirteenth through twenty-fourth month by more than
10 ten percent for a teacher whose first employment making him eligible for system
11 membership occurs on or before December 31, 2010, or by more than fifteen percent
12 for a teacher whose first employment making him eligible for system membership
13 occurs on or after January 1, 2011.

14 (iv) The amount for the thirty-seventh through the forty-eighth month shall
15 not exceed the lesser of the maximum allowable compensation amount or the actual
16 compensation amount for the twenty-fifth through the thirty-sixth month by more
17 than fifteen percent.

18 (v) The amount for the final twelve months shall not exceed the lesser of the
19 maximum allowable compensation amount or the actual compensation amount for
20 the thirty-seventh through the forty-eighth month by more than fifteen percent.

21 (b) The thirty-six or sixty months used for average compensation, as the case
22 may be, cannot cover a period when the member receives more than three years or
23 five years of service credit respectively.

24 (c)(i) The limitations on the computation of average compensation in this
25 Paragraph shall not apply to any of the twelve-month periods where compensation
26 increased by more than ~~ten percent~~ the amount allowable in Subparagraph (a) of this
27 Paragraph over the previous twelve-month period solely because of an increase in

1 compensation by legislative act, by city/parish systemwide salary increase, or by a
2 systemwide increase at a college or university.

3 * * *

4 §761. Retirement benefits; application; eligibility requirements; effective date;
5 cancellation; errors and omissions

6 A.

7 * * *

8 (3) Any person whose first employment making him eligible for system
9 membership occurs on or after January 1, 2011, may retire upon written application
10 to the board of trustees, if at the time of application the member:

11 (a) Has attained the age of sixty years and has credit for five years of
12 accredited service.

13 (b) Has twenty years of service credit at any age, exclusive of military
14 service and unused annual and sick leave, but any person retiring under this
15 Subparagraph shall have his benefit, inclusive of military service credit and
16 allowable unused annual and sick leave, actuarially reduced from the earliest age that
17 he would normally become eligible for a regular retirement benefit under
18 Subparagraph (a) of this Paragraph if he had continued in service to that age. Any
19 member who elects to retire under the provisions of this Subparagraph shall not be
20 eligible to participate in the Deferred Retirement Option Plan provided by R.S.
21 11:786 or the Initial Lump-Sum Benefit option provided by R.S. 11:783.

22 (4)(a) A properly executed application for retirement shall be considered as
23 officially filed when received by the board of trustees of this system. Retirement
24 benefits shall become effective as of the date a properly executed application for
25 retirement is received by the board of trustees of this system or the day after the
26 member terminates from teaching service, whichever is later.

1 (b) A member may cancel his application for retirement only prior to
2 negotiating, cashing, or depositing any benefit check including an estimated benefit
3 check.

4 * * *

5 §768. Retirement allowances

6 * * *

7 B.

8 * * *

9 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, any
10 person who became a member on or after July 1, 1999, but on or before December
11 31, 2010, having twenty years of service credit, exclusive of military service and
12 unused annual and sick leave, but who is less than sixty years of age, may retire but
13 he shall have his maximum benefit inclusive of military service credit and allowable
14 unused annual and sick leave actuarially reduced from the earlier of the following:

15 (a) The date he would reach sixty years of age.

16 (b) The earliest age that he would first become eligible for a retirement
17 benefit as provided in Paragraph (A)(2) of this Section, if he had continued in service
18 to that age and without regard to the date he became a member.

19 * * *

20 §778. Disability retirement

21 * * *

22 C. Upon the application of a member in service or of his employer, any
23 member whose first employment making him eligible for membership in the system
24 occurred on or before December 31, 2010, and who has five or more years of
25 creditable service may be retired by the board of trustees, not less than thirty nor
26 more than ninety days following the date of filing such application, on a disability
27 retirement allowance, provided that the medical board, after a medical examination
28 of the member, certifies that the member is mentally or physically incapacitated for
29 the further performance of the duties currently being performed, that the incapacity

1 is likely to be total and permanent, and that the member should be retired. Any
2 member whose first employment making him eligible for membership in the system
3 occurred on or after January 1, 2011, shall be eligible for disability benefits if he has
4 ten or more years of creditable service.

5 D. Disability retirees whose first employment making them eligible for
6 membership in the system occurred on or before December 31, 2010, and who had
7 at least fifteen years of service prior to being certified as disabled and who have been
8 receiving disability benefits for at least ten years and who have attained at least age
9 fifty shall be eligible to convert from disability benefits to regular retirement
10 benefits, provided that any such retiree's regular retirement benefits shall be based
11 on the number of years actually credited to the member's account, and provided that
12 such conversion does not produce a benefit that creates an actuarial cost to the
13 system.

14 * * *

15 §779. Allowance on disability retirement; members hired on or before December
16 31, 2010

17 A. The provisions of this Section shall apply to members whose first
18 employment making them eligible for membership in the system began on or before
19 December 31, 2010.

20 ~~A.~~ B.(1) Upon retirement for disability, a member shall receive a disability
21 retirement allowance equal to two and one-half percent of his average compensation
22 multiplied by his years of creditable service, but not more than fifty percent of his
23 average compensation. In no event shall such disability retirement allowance be less
24 than the lesser of forty percent of the state minimum salary for a beginning teacher
25 with a bachelor's degree, or seventy-five percent of his average compensation. Such
26 retiree shall not be allowed an optional allowance.

27 (2) In addition to the benefit provided by Paragraph (1) of this Subsection,
28 if a disability retiree has a minor child, the disability retiree shall be paid an added
29 benefit equal to fifty percent of his disability benefit for so long as he has a minor

1 child, provided that the total benefit payable to the disability retiree does not exceed
2 seventy-five percent of his average compensation.

3 ~~B.~~ C.(1) If a disability retiree dies and leaves a surviving spouse who had
4 been married to the deceased disability retiree for at least two years before the death
5 of the disability retiree and there are no minor children or there are minor children
6 who are the children of both the disability retiree and the surviving spouse, the
7 surviving spouse shall receive a survivor's benefit equal to seventy-five percent of
8 the benefit being received by the disability retiree at the time of his death, and no
9 benefits shall be paid under R.S. 11:762.

10 (2) If a disability retiree dies and leaves a surviving spouse who had been
11 married to the deceased disability retiree for at least two years before the death of the
12 disability retiree and there are surviving minor children of the deceased disability
13 retiree who are not the children of the surviving spouse, the surviving spouse shall
14 receive a survivor's benefit equal to thirty-seven and one-half percent of the benefit
15 being received by the disability retiree at the time of his death. Benefits equal to a
16 total of thirty-seven and one-half percent of the benefit being received by the
17 disability retiree at the time of his death shall be divided equally among the minor
18 children who are not the children of the surviving spouse for the duration of their
19 minority, and no benefits shall be paid under R.S. 11:762. When there are no longer
20 any minor children of the deceased disability retiree who are not the children of the
21 surviving spouse, the spousal benefit shall revert to seventy-five percent of the
22 benefit being received by the disability retiree at the time of his death.

23 (3) If a disability retiree dies and leaves a surviving spouse who had been
24 married to the deceased disability retiree for at least two years before the death of the
25 disability retiree and there are minor children of the deceased disability retiree who
26 are not the children of the surviving spouse and also minor children of both the
27 deceased disability retiree and the surviving spouse, the surviving spouse shall
28 receive a survivor's benefit equal to fifty percent of the benefit being received by the
29 disability retiree at the time of his death, and the minor children of the deceased

1 disability retiree who are not the children of the surviving spouse shall receive and
2 divide equally twenty-five percent of the benefit being received by the disability
3 retiree at the time of his death for the duration of their minority, and no benefits shall
4 be paid under R.S. 11:762. When there are no longer minor children of the deceased
5 disability retiree who are not the children of the surviving spouse, the spousal benefit
6 shall revert to seventy-five percent of the benefit being received by the disability
7 retiree at the time of his death.

8 (4) If a disability retiree dies and does not leave a surviving spouse, or the
9 surviving spouse dies after the death of the disability retiree, and there is a minor
10 child or children of the disability retiree, the minor child or children shall be entitled
11 to a total benefit equal to fifty percent of the benefit being received by the disability
12 retiree at the time of his death for so long as there is a minor child, and no benefits
13 shall be paid under R.S. 11:762.

14 ~~€~~ D. A disability retiree, upon attainment of the earliest age that he would
15 have become eligible for a retirement benefit, if he had continued in service without
16 further change in compensation, shall become a regular retiree using only his years
17 of creditable service; however, his maximum benefit shall not be less than his
18 disability benefit as provided by Paragraph ~~A~~ B(1) of this Section and shall not
19 include the benefit provided by Paragraph ~~A~~ B(2) of this Section. The benefit
20 provided by Paragraph ~~A~~ B(2) of this Section shall continue, but only be paid to the
21 retiree and only for so long as the retiree has a minor child. The years that he is on
22 disability retirement shall not be used in the computation of his regular retirement
23 benefit. If a member dies after converting from disability retiree to regular retiree
24 and leaves a minor child or children, the applicable benefits provided by Paragraph
25 ~~A~~ B(2) of this Section shall be paid on behalf of the minor child or children, and no
26 benefits shall be paid under R.S. 11:762 and 783(B).

1 §779.1 Allowance on disability retirement; members hired on or after January 1,

2 2011

3 Any member whose first employment making him eligible for membership
4 in the system began on or after January 1, 2011, shall receive a maximum disability
5 retirement benefit which shall be equivalent to the regular retirement formula
6 without reduction by reason of age. Selection of a retirement option shall be made
7 when application for disability is filed. If the disability retiree dies, the option
8 selected upon disability retirement shall be applied to his disability retirement
9 benefit.

10 * * *

11 §1002. Definitions

12 As used in this Chapter, the following words and phrases shall have the
13 ~~meaning~~ meanings ascribed to them in this Section unless a different meaning is
14 plainly required by the context:

15 * * *

16 (6)

17 * * *

18 (b) "Average compensation", for a member whose first employment making
19 him eligible for membership in the system began on or after July 1, 2006, but on or
20 before December 31, 2010, shall be based on the sixty highest successive months of
21 employment, or on the highest sixty successive joined months of employment where
22 interruption of service occurred; however, the average compensation amount for the
23 thirteenth through the twenty-fourth month shall not exceed the actual compensation
24 amount for the first through the twelfth month by more than ten percent. The amount
25 for the twenty-fifth through the thirty-sixth month shall not exceed the lesser of the
26 maximum allowable compensation amount or the actual compensation amount for
27 the thirteenth through the twenty-fourth month by more than ten percent. The
28 amount for the thirty-seventh through the forty-eighth month shall not exceed the
29 lesser of the maximum allowable compensation amount or the actual compensation

1 amount for the twenty-fifth through the thirty-sixth month by more than ten percent.

2 The amount for the forty-ninth through the sixtieth month shall not exceed the lesser
3 of the maximum allowable compensation amount or the actual compensation amount
4 for the thirty-seventh through the forty-eighth month by more than ten percent. The
5 limitations on the computation of average compensation contained in this Paragraph
6 shall not apply to any twelve-month period during which compensation increased by
7 more than one hundred ten percent over the previous twelve-month period solely
8 because of an increase in compensation by legislative act or by a city/parish
9 system-wide salary increase.

10 (c) "Average compensation", for a member whose first employment making
11 him eligible for membership in the system began on or after January 1, 2011, shall
12 be based on the sixty highest successive months of employment, or on the highest
13 sixty successive joined months of employment where interruption of service
14 occurred; however, the average compensation amount for the thirteenth through the
15 twenty-fourth month shall not exceed the actual compensation amount for the first
16 through the twelfth month by more than fifteen percent. The amount for the
17 twenty-fifth through the thirty-sixth month shall not exceed the lesser of the
18 maximum allowable compensation amount or the actual compensation amount for
19 the thirteenth through the twenty-fourth month by more than fifteen percent. The
20 amount for the thirty-seventh through the forty-eighth month shall not exceed the
21 lesser of the maximum allowable compensation amount or the actual compensation
22 amount for the twenty-fifth through the thirty-sixth month by more than fifteen
23 percent. The amount for the forty-ninth through the sixtieth month shall not exceed
24 the lesser of the maximum allowable compensation amount or the actual
25 compensation amount for the thirty-seventh through the forty-eighth month by more
26 than fifteen percent. The limitations on the computation of average compensation
27 contained in this Subparagraph shall not apply to any twelve-month period during
28 which compensation increased by more than one hundred fifteen percent over the

previous twelve-month period solely because of an increase in compensation by legislative act or by a city/parish system-wide salary increase.

* * *

§1141. Retirement benefits; application; eligibility requirements; effective date; cancellation

A. Any member, whose first employment making him eligible for system membership began on or before December 31, 2010, may retire upon written application to the board of trustees, if the member at the time of application has attained the age of sixty years and has credit for ten years of accredited service or has attained the age of fifty-five years and has credit for twenty-five or more years of accredited service or at any age with thirty or more years of accredited service. Any member whose first employment making him eligible for system membership began on or after January 1, 2011, may retire upon written application to the board of trustees, if the member at the time of application has attained the age of sixty years and has credit for five years of accredited service. An application for retirement shall be officially filed with the board when received in the office of the director. Retirement benefits shall become effective as of the date an application for retirement is filed in the office of the director or the day after the member terminates from service, whichever is later. A member may only cancel his application for retirement prior to negotiating, cashing, or depositing any benefit check including an estimated benefit check.

* * *

§1144. Retirement allowance; regular, minimum, and supplemental

* * *

B. Minimum allowance.

* * *

(2)(a) The provisions of this Paragraph shall apply to any member who retires on or after July 1, 2001, but shall not apply to any member to whom Paragraph (4) of this Subsection is applicable.

* * *

(3) In the event that the funded status of this system should fall below one hundred percent, the employee contribution rate shall be increased in an amount sufficient to fund any cost to the system resulting from the application of the benefit accrual rates provided for in ~~this~~ Paragraphs (1) and (2) of this Subsection, with the loss being amortized in accordance with the provisions of R.S. 11:102(B)(3)(d)(i).

(4) The provisions of this Paragraph shall apply to any member whose first employment making him eligible for membership in the system began on or after January 1, 2011. The minimum allowance for such members shall be no less than an amount which provides a total allowance equal to two and one-half percent multiplied by the total years of accredited service and multiplied by the average compensation for such person as provided in R.S. 11:1002(6)(c).

* * *

§1147. Disability retirement

* * *

C.

* * *

(2)(a)

* * *

(iii) A disability retiree whose first employment making him eligible for system membership occurs on or after January 1, 2011, shall receive a maximum disability retirement benefit which shall be equivalent to the regular retirement formula without reduction by reason of age.

(b)(i) If a disability retiree whose membership in the system began on or before December 31, 2010, dies and leaves a surviving spouse who had been married to the deceased disability retiree for at least two years prior to the death of the

1 disability retiree, the surviving spouse shall receive a survivor's benefit equal to
2 seventy-five percent of the benefit being received by the disability retiree at his
3 death. Benefits shall cease upon remarriage.

4 (ii) For disability retirees whose membership began on or after January 1,
5 2011, selection of a retirement option shall be made when application for disability
6 is filed. If the disability retiree dies, the option selected upon disability retirement
7 shall be applied to his disability retirement benefit.

8 * * *

9 §1151. Survivor benefits; members hired on or before December 31, 2010

10 A. This Section shall apply to members whose membership in the system
11 began on or after January 1, 2011. Survivor's benefits are payable upon application
12 therefor and become effective as of the day following the death of the member.

13 * * *

14 §1151.1. Survivors' benefits; members hired on or after January 1, 2011

15 A. Survivor benefits shall be due and payable by the system effective the
16 first day of the next month following the death of a member whose first employment
17 making him eligible for membership in the system occurred on or after January 1,
18 2011, but shall not be paid until a properly completed and acceptable application is
19 received by the system and all proper certifications have been received by the
20 system.

21 B.(1) A surviving spouse with a minor or handicapped child, or mentally
22 disabled child, or children shall be paid per month, for so long as one or more
23 children remain eligible for benefits under Subsection C of this Section, fifty percent
24 of the benefit to which the member would have been entitled if he had retired on the
25 date of his death using the member's applicable accrual rate regardless of years of
26 service or age, or six hundred dollars per month, whichever is greater, provided the
27 deceased member was an active member at the time of death and had five or more
28 years of service credit, at least two years of which were earned immediately prior to
29 death or provided the deceased member had twenty or more years of service credit

1 regardless of when earned or whether the deceased member was in active service at
2 the time of death.

3 (2) Benefits shall cease upon remarriage and shall resume upon a subsequent
4 divorce or death of a new spouse; however, if the member was eligible to retire on
5 the date of his death, benefits shall not cease upon remarriage.

6 (3) When all surviving children cease to be eligible for benefits under
7 Subsection C of this Section, the surviving spouse shall cease to receive benefits
8 provided by this Subsection and thereafter, if eligible, shall receive benefits in
9 accordance with the provisions of Subsection D of this Section.

10 C. In addition to the amount payable in accordance with Subsection B of this
11 Section, for the benefit of the surviving minor or handicapped child, or mentally
12 disabled child, or children, there shall be paid for each such child, subject to a
13 maximum of two children, per month fifty percent of the benefit to which a spouse
14 would be entitled under Subsection B of this Section. Benefits shall be payable to
15 such children even if no spouse eligible for survivor benefits is present, provided the
16 member had at least five years of service credit. Benefits for a child shall cease
17 when the child is no longer a minor child as defined by this Chapter. No surviving
18 minor child shall receive more than one survivor's benefit at any one time. If two
19 benefits are applicable, only the larger shall be paid.

20 D.(1) A surviving spouse without a minor or handicapped child, or mentally
21 disabled child, or children shall be paid per month, for the remainder of his life, the
22 benefit payable in accordance with R.S. 11:1150(B)(2) based on years of service that
23 the member had earned to the date of his death using the applicable accrual rate; or
24 six hundred dollars per month, whichever is greater, provided the surviving spouse
25 had been married to the deceased member for at least one year prior to death, and
26 provided the deceased member was an active member at the time of death and had
27 ten or more years of service credit, at least two years of which were earned
28 immediately prior to death or provided the deceased member had twenty or more

1 years of service credit regardless of when earned or whether the deceased member
2 was in active service at the time of death.

3 (2) Benefits shall cease upon remarriage and shall resume upon a subsequent
4 divorce or death of the new spouse; however, if the member was eligible to retire on
5 the date of his death, benefits shall not cease upon remarriage.

6 E. The accumulated contributions of a deceased member shall be paid in a
7 lump sum refund to the natural person or persons that he designated as his
8 beneficiary, or to his succession if there is no designated beneficiary, but only if no
9 benefits under Subsection A, B, C, D, F, or G of this Section are payable. Payment
10 of accumulated contributions shall be made only upon receipt of the deceased
11 member's death certificate. The payment to the named beneficiary or the estate
12 cancels all liability of the system to the deceased member, his named beneficiary, or
13 his estate.

14 F. In the event of death of a member leaving a surviving spouse and
15 dependent children, the total of the benefits payable under Subsections B and C of
16 this Section shall not be less each month than what would have been payable under
17 Subsection D of this Section for as long as both spouse and children are eligible to
18 receive benefits under Subsections B and C of this Section.

19 G. If a member dies, even after retirement, eligible minor children shall
20 receive the benefits under Subsection C of this Section.

21 H. The benefits payable under Subsection C of this Section shall be paid to
22 the person having legal custody of the property of the child, unless a trust created
23 under Louisiana law has been created by the deceased member for the benefit of the
24 child, the terms of the instrument creating the trust so provide and the system has
25 been provided with a certified copy of the trust document, then the survivor benefit
26 shall be paid to the trust for addition to the trust property. In the event that the trust
27 is contested by any party, the system shall withhold all survivor benefit payments or
28 deposit them in the registry of the court if a concursus proceeding is filed, until there
29 is a final binding legal agreement or judgment regarding the proper payment of the

1 survivor benefits. If the trust terminates under the terms of the trust prior to the
2 death of the child, then benefits shall be payable as otherwise provided under this
3 Subsection. The trustee of the trust shall immediately notify the system in writing
4 of the death of the child.

5 I. Each survivor benefit recipient shall be required to establish proof
6 annually or at such other times as the board of trustees may deem necessary that they
7 are still legally entitled to the survivor benefits provided in this Section. The board
8 of trustees shall have the right to suspend or cancel any survivor benefit wherein the
9 recipient fails to provide proper certification of eligibility.

10 * * *

11 §1307. Persons eligible to retire on basis of service and age; retirement salaries

12 A. Upon application to the board as provided in R.S. 11:1306, members of
13 this system shall be retired by the board at ~~salaries~~ benefits fixed as follows:

14 (1) Any member of the system, whose initial date of employment occurred
15 on or before December 31, 2010, and who has attained age fifty and who has credit
16 for at least ten years of service shall be paid a monthly ~~salary~~ benefit equal to the
17 sum of three and one-third percent multiplied by the member's monthly average
18 salary, and further multiplied by the number of years of service credited to the
19 member's account, but the total annual benefit shall not exceed one hundred percent
20 of the member's final average annual salary.

21 (2)(a) Any member of the system whose initial date of employment was
22 prior to September 8, 1978, regardless of age, who has credit for at least twenty years
23 of service shall be paid a monthly ~~salary~~ benefit equal to the sum of three and one-
24 third percent multiplied by the member's monthly average salary, and further
25 multiplied by the number of years of service credited to the member's account, but
26 the total annual benefit shall not exceed one hundred percent of the member's final
27 average annual salary.

28 (b) Any member of the system whose initial date of employment occurred
29 on or after September 8, 1978, on or before December 31, 2010, ~~regardless of~~

age, who has credit for at least twenty-five years of service, regardless of age, shall be paid a monthly ~~salary~~ benefit equal to the sum of three and one-third percent multiplied by the member's monthly average salary, and further multiplied by the number of years of service credited to the member's account, but the total annual benefit shall not exceed one hundred percent of the member's final average annual salary.

(3) Notwithstanding any other provision of law to the contrary, any member of the system who participated in the Deferred Retirement Option Plan on or before June 30, 2003, and who continued in employment after participation in the Deferred Retirement Option Plan without a break in service and who remained in such continuous employment on July 1, 2003, shall be paid a monthly salary equal to the greater of the monthly benefit computed under R.S. 11:1307.1 or the sum of the member's original benefit plus twenty percent of the member's original average monthly salary, but the total annual benefit, including any additional benefit accrued after termination of participation in the Deferred Retirement Option Plan, shall not exceed one hundred percent of the member's final average annual salary.

* * *

§1310. Average salary; method of determining

A.(1) With respect to persons employed prior to September 8, 1978, the term "average salary" as used in this Chapter for the purpose of determining pension payments and retirement is the average salary including any additional pay or salary provided by the legislature over and above that set by the Civil Service Commission, received for the year ending on the last day of the month immediately preceding the date of retirement or date of death or for any one-year period, whichever is the greatest. For the purposes of computation, "average salary" shall not include overtime, ~~expenses~~ expenses, or clothing allowances.

(2)(a) With respect to persons becoming employed on and after September 8, 1978, but on or before December 31, 2010, the term "average salary" as used in this Chapter for the purpose of determining pension payments and retirement is the

1 average salary including any additional pay or salary provided by the legislature over
2 and above that set by the Civil Service Commission, received for the thirty-six month
3 period ending on the last day of the month immediately preceding the date of
4 retirement or date of death or for any thirty-six consecutive months, whichever is the
5 greatest. For the purposes of computation, "average salary" shall not include
6 overtime, ~~expenses~~ expenses, or clothing allowances.

7 (b) The earnings to be considered for the thirteenth through the twenty-fourth
8 month shall not exceed one hundred and twenty-five percent of the earnings of the
9 first through the twelfth month. The earnings to be considered for the final twelve
10 months shall not exceed one hundred and twenty-five percent of the earnings of the
11 thirteenth through the twenty-fourth month. Nothing in this Subparagraph, however,
12 shall change the method of determining the amount of earned compensation
13 received.

14 * * *

15 §1313. Disability retirement; eligibility

16 * * *

17 B. The board of trustees shall award disability benefits to any sworn,
18 commissioned law enforcement officer of the office of state police whose initial date
19 of employment occurred on or before December 31, 2010, who is eligible and who
20 has been officially certified as disabled by the State Medical Disability Board. The
21 disability benefit shall be determined as follows:

22 * * *

23 C. The board of trustees shall award disability benefits to any sworn,
24 commissioned law enforcement officer of the office of state police whose initial date
25 of employment occurred on or after January 1, 2011, who is eligible and who has
26 been officially certified as disabled by the State Medical Disability Board. The
27 disability benefit shall be determined as provided in R.S. 11:1345.7.

28 * * *

A. This Section shall apply to any sworn commissioned law enforcement of the office of state police of the Department of Public Safety and positions whose initial date of employment occurred on or before December 31,

The surviving spouse of any such sworn commissioned law enforcement of the office of state police of the Department of Public Safety and positions who is killed in the discharge of his duties, or dies from immediate of any injury received as the result of an act of violence occurring while ed in the discharge of his duties, shall be pensioned at seventy-five percent of ary being received by the employee at the time of the decedent's death or provided the surviving spouse was married to the decedent at the time of the which resulted in the officer's death.

* * *

A.(1) This Section shall apply to any employee whose initial date of employment occurred on or before December 31, 2010. If there is no surviving spouse entitled to receive the pension due a spouse of any police employee or retired employee under R.S. 11:1320 or 1322, or if the spouse has remarried and forfeited her benefit under R.S. 11:1321, the minor children of the deceased employee or deceased retired employee, if any, shall receive a monthly pension equal to the amount of:

* * *

A. The surviving totally physically handicapped or mentally disabled child

children of a deceased member whose initial date of employment occurred on or

before December 31, 2010, whether under or over the age of eighteen years, shall be entitled to the same benefits, payable in the same manner as provided by this Chapter for surviving spouses.

* * *

§1319. Pension of parents of deceased employee hired on or before December 31,
2010

If For any employee whose initial date of employment occurred on or before December 31, 2010, if there is no surviving spouse and no minor children, a monthly pension of twenty-five percent of the average salary of the deceased employee shall be paid to the parent or parents of the deceased employee, if they, or either of them, derived their main support from the employee.

§1320. Death of employee not in performance of duty; certain members hired on or before December 31, 2010; payments

A. This Section shall apply to any sworn commissioned law enforcement officer of the office of state police of the Department of Public Safety and Corrections whose initial date of employment occurred on or before December 31, 2010. On and after January 1, 1973, the surviving spouse of any such sworn, commissioned law enforcement officer of the office of state police whose death occurs other than in the line of duty, but who at the time of death was a member of the system and had less than twenty years of service credit with the department, shall be pensioned at twenty-five percent of his average salary if the officer, at the time of death, had under five years of service credit, thirty percent of his average salary if he had five years but under ten years of service credit, forty percent of his average salary if he had ten years but under fifteen years of service credit, and fifty percent of his average salary if he had fifteen years but under twenty years of service credit. On and after September 9, 1977, if the employee had twenty years of service or more, the surviving spouse shall receive a pension equal to the retirement benefit the

1 employee would have received had the employee elected to retire at the time of his
2 death.

3 * * *

4 §1321. Surviving spouse remarrying; forfeiture of pension; employees hired on or
5 before December 31, 2010

6 A.(1) This Section shall apply to any employee whose initial date of
7 employment occurred on or before December 31, 2010. If the surviving spouse of
8 a deceased employee remarries while receiving the surviving spouse's pension under
9 the provisions of this Chapter, such spouse thereupon forfeits all rights to the
10 spouse's pension.

11 * * *

12 §1322. Death of former or retired employee hired on or before December 31, 2010;
13 pension payable to survivors

14 A. This Section shall apply to any employee whose initial date of
15 employment occurred on or before December 31, 2010. The surviving spouse of a
16 deceased former employee shall receive a pension in an amount equal to the monthly
17 retirement pay that would have been payable to the decedent, provided all of the
18 following conditions exist:

19 * * *

20 §1323. Death of employee not in performance of duty; employees hired on or after
21 January 1, 2011

22 A. This Section shall apply to any member whose initial date of employment
23 occurred on or after January 1, 2011, and whose death occurs other than in the line
24 of duty. Survivor benefits shall be due and payable by the system effective the first
25 day of the next month following the death of such member, but shall not be paid until
26 a properly completed and acceptable application is received by the system and all
27 proper certifications have been received by the system.

28 B.(1) A surviving spouse with a minor or handicapped child, or mentally
29 disabled child, or children shall be paid per month, for so long as one or more

1 children remain eligible for benefits under Subsection C of this Section, fifty percent
2 of the benefit to which the member would have been entitled if he had retired on the
3 date of his death using the member's applicable accrual rate regardless of years of
4 service or age, or six hundred dollars per month, whichever is greater, provided the
5 deceased member was an active member at the time of death and had five or more
6 years of service credit, at least two years of which were earned immediately prior to
7 death or provided the deceased member had twenty or more years of service credit
8 regardless of when earned or whether the deceased member was in active service at
9 the time of death.

10 (2) Benefits shall cease upon remarriage and shall resume upon a subsequent
11 divorce or death of a new spouse; however, if the member was eligible to retire on
12 the date of his death, benefits shall not cease upon remarriage.

13 (3) When all surviving children cease to be eligible for benefits under
14 Subsection C of this Section, the surviving spouse shall cease to receive benefits
15 provided by this Subsection and thereafter, if eligible, shall receive benefits in
16 accordance with the provisions of Subsection D of this Section.

17 C. In addition to the amount payable in accordance with Subsection B of this
18 Section, for the benefit of the surviving minor or handicapped child, or mentally
19 disabled child, or children, there shall be paid for each such child, subject to a
20 maximum of two children, per month fifty percent of the benefit to which a spouse
21 would be entitled under Subsection B of this Section. Benefits shall be payable to
22 such children even if no spouse eligible for survivor benefits is present, provided the
23 member had at least five years of service credit. Benefits for a child shall cease
24 when the child is no longer a minor child as defined by this Chapter. No surviving
25 minor child shall receive more than one survivor's benefit at any one time. If two
26 benefits are applicable, only the larger shall be paid.

27 D.(1) A surviving spouse without a minor or handicapped child, or mentally
28 disabled child, or children shall be paid per month, for the remainder of his life, the
29 benefit payable in accordance with R.S. 11:1323.1(A)(2)(a) based on years of service

1 that the member had earned to the date of his death using the applicable accrual rate,
2 or six hundred dollars per month, whichever is greater, provided the surviving spouse
3 had been married to the deceased member for at least one year prior to death, and
4 provided the deceased member was an active member at the time of death and had
5 ten or more years of service credit, at least two years of which were earned
6 immediately prior to death or provided the deceased member had twenty or more
7 years of service credit regardless of when earned or whether the deceased member
8 was in active service at the time of death.

9 (2) Benefits shall cease upon remarriage and shall resume upon a subsequent
10 divorce or death of the new spouse; however, if the member was eligible to retire on
11 the date of his death, benefits shall not cease upon remarriage.

12 E. The accumulated contributions of a deceased member shall be paid in a
13 lump sum refund to the natural person or persons that he designated as his
14 beneficiary, or to his succession if there is no designated beneficiary, but only if no
15 benefits under Subsection A, B, C, D, F, or G of this Section are payable. Payment
16 of accumulated contributions shall be made only upon receipt of the deceased
17 member's death certificate. Such payment to the named beneficiary or the estate
18 cancels all liability of the system to the deceased member, his named beneficiary, or
19 his estate.

20 F. In the event of death of a member leaving a surviving spouse and
21 dependent children, the total of the benefits payable under Subsections B and C of
22 this Section shall not be less each month than what would have been payable under
23 Subsection D of this Section for as long as both spouse and children are eligible to
24 receive benefits under Subsections B and C of this Section.

25 G. If a member dies, even after retirement, eligible minor children shall
26 receive the benefits under Subsection C of this Section.

27 H. The benefits payable under Subsection C of this Section shall be paid to
28 the person having legal custody of the property of the child, unless a trust created
29 under Louisiana law has been created by the deceased member for the benefit of the

1 child, the terms of the instrument creating the trust so provide and the system has
2 been provided with a certified copy of the trust document, then the survivor benefit
3 shall be paid to the trust under the terms of the trust for addition to the trust property.
4 In the event that the trust is contested by any party, the system shall withhold all
5 survivor benefit payments or deposit them in the registry of the court if a concursus
6 proceeding is filed, until there is a final binding legal agreement or judgment
7 regarding the proper payment of the survivor benefits.

8 I. Each survivor benefit recipient shall be required to establish proof
9 annually or at such other times as the board of trustees may deem necessary that they
10 are still legally entitled to the survivor benefits provided in this Section. The board
11 of trustees shall have the right to suspend or cancel any survivor benefit wherein the
12 recipient fails to provide proper certification of eligibility.

13 §1323.1. Mode of payment where option elected; employees hired on or after
14 January 1, 2011

15 A. Upon application for retirement any member may elect to receive his
16 benefit in a retirement allowance payable throughout his life, or he may elect at that
17 time to receive the actuarial equivalent of his retirement allowance in a reduced
18 retirement allowance payable throughout life, with the following options:

19 (1) Option 1. If he dies before he has received in annuity payments the value
20 of the member's annuity as it was at the time of his retirement, the balance shall be
21 paid to his legal representatives or to the person he nominates by written designation
22 duly acknowledged and filed with the board.

23 (2)(a) Option 2-A. Upon his death his reduced retirement allowance shall
24 be continued throughout the life of and paid to the person he nominated by written
25 designation duly acknowledged and filed with the board of trustees at the time of his
26 retirement.

27 (b) Option 2-B. Upon his death his reduced retirement allowance shall be
28 continued throughout the life of and paid to the person he nominated by written
29 designation and, upon the death of that designated person, his reduced benefit shall

1 be continued throughout the life of the deceased member's mentally handicapped
2 child or children, but such benefits shall be paid to the guardian of such child or
3 children. The written designation provided for in this Subparagraph shall be duly
4 acknowledged and filed with the board of trustees at the time of the member's
5 retirement.

6 (c) Unless otherwise specified, any reference in law to this Paragraph or to
7 Option 2, without reference to a particular Subparagraph or to Option 2-A or Option
8 2-B shall mean Subparagraph (a) of this Paragraph or Option 2-A.

9 (3) Option 3. Upon his death one-half of his reduced retirement allowance
10 shall be continued throughout the life of and be paid to the person he nominated by
11 written designation duly acknowledged and filed with the board of trustees at the
12 time of his retirement.

13 (4) Option 4. Some other benefit or benefits shall be paid either to the
14 member or to the person or persons he nominated, provided the other benefit or
15 benefits, together with the reduced retirement allowance, shall be certified by the
16 actuary to be of equivalent actuarial value to his retirement allowance and shall be
17 approved by the board.

18 * * *

19 Part III. NEW STATE POLICE RETIREMENT PLAN

20 §1345.1. Creation; application

21 There is hereby created a retirement plan within this system for persons who
22 would otherwise be eligible for membership in the State Police Employees' Pension
23 and Retirement System but whose initial date of employment began on or after
24 January 1, 2011. Such plan shall be known as the New State Police Retirement Plan.
25 Any other provisions of this Chapter or any other laws to the contrary
26 notwithstanding, the retirement of such persons shall be governed by the provisions
27 of this Part; however, if provisions of this Chapter cover matters not specifically
28 addressed by the provisions of this Part or if any of the provisions of this Chapter are

1 made applicable in this Part, then those provisions shall apply to members governed
2 by this Part.

3 §1345.2. Application; definitions

4 Terms not specifically defined in this Section shall have the meanings
5 provided in R.S. 11:1301 unless a different meaning is clearly required by the
6 context. For purposes of this Part:

7 (1) "Average compensation" means the average annual earned compensation
8 of a member for the sixty highest months of successive employment, or for the
9 highest sixty successive joined months of employment where interruption of service
10 occurred; however, average compensation for part-time employees who do not use
11 sixty months of full-time employment for average compensation purposes shall be
12 based on the base pay the part-time employee would have received had he been
13 employed on a full-time basis. The earnings to be considered for the thirteenth
14 through the twenty-fourth month shall not exceed one hundred fifteen percent of the
15 earnings of the first through the twelfth month. The earnings to be considered for the
16 twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen
17 percent of the earnings of the thirteenth through the twenty-fourth month. The
18 earnings to be considered for the thirty-seventh through the forty-eighth month shall
19 not exceed one hundred fifteen percent of the earnings of the twenty-fifth through
20 the thirty-sixth month. The earnings for the final twelve months shall not exceed one
21 hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth
22 month. The limitations on the computation of average compensation contained in
23 this Item shall not apply to any twelve-month period during which compensation
24 increased by more than fifteen percent over the previous twelve-month period solely
25 because of an increase in compensation by a uniform systemwide increase adopted
26 by the state Department of Civil Service and approved by the governor or because
27 of a pay adjustment enacted by the legislature.

1 (2) "Member" or "members" shall include persons who would be eligible
2 for system membership pursuant to R.S. 11:1305 but whose initial date of
3 employment began on or after January 1, 2011.

4 (3) "Plan" means the New State Police Retirement Plan created by this
5 Subpart.

6 (4) "System" means the State Police Pension and Retirement System.

7 §1345.3. Eligibility for membership

8 Each person who would be eligible for system membership pursuant to R.S.
9 11:1305 but whose initial date of employment began on or after January 1, 2011,
10 shall become a member of the New State Police Retirement Plan of the system as a
11 condition of employment.

12 §1345.4. Eligibility for retirement

13 Any member shall be eligible for retirement if he has:

14 A. Twenty-five years or more of service, at any age.

15 B. Twelve years or more of service, at age fifty-five or thereafter.

16 C. Twenty years of service credit at any age, exclusive of military service
17 and unused annual and sick leave, but any person retiring under this Paragraph shall
18 have his benefit, inclusive of military service credit and allowable unused annual and
19 sick leave, actuarially reduced from the earliest age that he would normally become
20 eligible for a regular retirement benefit under Subsection A or B of this Section if he
21 had continued in service to that age. Any employee who elects to retire under the
22 provisions of this Paragraph shall not be eligible to participate in the Back-Deferred
23 Retirement Option Program provided by R.S. 11:1312.1.

24 §1345.5. Retirement benefit

25 A member shall receive a retirement equal to three and one-third percent of
26 average compensation for every year of creditable service in the plan, not to exceed
27 one hundred percent of the member's average compensation.

1 §1345.6. Back-Deferred Retirement Option Plan

2 A member, except as specified in R.S. 11:1345.4(C), shall have the option
3 of participating in the Back-Deferred Retirement Option Plan in accordance with the
4 provisions of R.S. 11:1312.1.

5 §1345.7. Disability retirement

6 A. Upon approval of a member's retirement based upon a total and
7 permanent disability resulting solely from injuries sustained in the performance of
8 his official duties, a member shall receive a disability benefit equal to seventy-five
9 percent of his average compensation regardless of years of service. This benefit is
10 payable only if the injury or injuries were sustained while on active duty status.

11 B. If a member's disability occurs for reasons other than in the performance
12 of his duties and the member has earned at least ten years of service credit in this
13 Plan, then the member shall be entitled to disability benefits under the provisions of
14 R.S. 11:1313(B)(2).

15 C. The disability retirement procedures contained in R.S. 11:216 through 225
16 which are not in conflict with this Section shall apply to members.

17 §1345.8. Survivor's benefit for members killed in the line of duty

18 A. If a member's death occurs in the line of duty or is a direct result of an
19 injury sustained while in the line of duty, survivor benefits shall be payable to
20 qualified survivors as provided for in this Section, except that a survivor shall be
21 eligible for benefits under this Section without regard to the amount of time that the
22 surviving spouse was married to the deceased member and without regard to the
23 amount of time that the deceased was a member of this plan. This benefit is payable
24 only if the injury or injuries were sustained while on active duty status.

25 B. If the member has a surviving spouse, minor, or handicapped or mentally
26 incapacitated child or children, the amount of the total benefit shall equal eighty
27 percent of the member's average compensation. The benefit shall be shared equally
28 by the surviving spouse and children. When a child who is not handicapped or
29 mentally incapacitated no longer meets the definition of minor child under R.S.

1 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their
2 shares adjusted accordingly.

3 §1345.9. Survivor's benefit for death other than in the line of duty

4 The surviving spouse or children of any active member whose death occurs
5 other than in the performance of his duties shall have the same pension rights as
6 provided in R.S. 11:1320.

7 Section 2. R.S. 24:36(M) is hereby enacted to read as follows:

8 §36. Additional benefits payable to legislators; certain legislative personnel;
9 governor; lieutenant governor; political subdivision service credit; credit for
10 service previously rendered; additional contributions; computation of
11 benefits payable; membership

12 * * *

13 M. Beginning January 1, 2011, the provisions of this Section shall not be
14 applicable to any person whose first employment making him eligible for
15 membership in any public retirement system, plan, or fund, began on or after such
16 date.

17 Section 3. The cost of this Act, if any, shall be funded through additional employee
18 contributions as provided in this Act and with additional employer contributions in
19 compliance with Article X, Section 29(E)(5)(b) of the Constitution of Louisiana.

20 Section 4. This Act shall become effective on January 1, 2011.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Robideaux

HB No. 1337

Abstract: For members hired on or after Jan. 1, 2011, changes the benefit structure and employee contribution rates for the four state retirement systems: the La. State Employees' Retirement System (LASERS), the Teachers' Retirement System of La. (TRSL), the State Police Pension and Retirement System (LSPRS), and the La. School Employees' Retirement System (LSERS).

Proposed law generally makes changes to the benefit structure of the four state retirement systems, which are the La. State Employees' Retirement System (LASERS), the Teachers' Retirement System of La. (TRSL), the La. School Employees' Retirement System (LSERS),

and the State Police Pension and Retirement System (LSPRS), for members hired on or after Jan. 1, 2011, in the following respects:

- (1) Employee contribution rates.
- (2) Final average compensation.
- (3) Benefit accrual rates.
- (4) Retirement eligibility.
- (5) Disability benefits.
- (6) Survivor benefits.

Present law, relative to LASERS, provides generally for several plans that provide enhanced benefits (i.e. retirement benefits, disability benefits, survivor benefits, etc.) to certain individuals:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries.
- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by the Dept. of Public Safety and Corrections (DPS&C).
- (3) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are Peace Officers Standard and Training (P.O.S.T.)-certified, who have the power to arrest, and who hold a commission from such office.
- (4) Peace officers, as defined by R.S. 40:2402(3)(a), employed by the DPS&C, office of state police, other than state troopers.
- (5) Judges.
- (6) The governor, lieutenant governor, and certain legislators.
- (7) The clerk of the House and secretary of the Senate, and the sergeant at arms of the House and Senate.

Proposed law closes all such subplans and eliminates such enhanced benefit provision within LASERS relative to such persons listed above, who are hired on or after Jan. 1, 2011. Provides for consolidation of all hazardous duty personnel in LASERS into the newly created Hazardous Duty Services Plan within LASERS, regardless of whether such persons receive enhanced benefits under present law. Further provides that the individuals referenced in (5), (6), and (7) above, who are hired on or after Jan. 1, 2011, will receive the same benefits as rank-and-file members.

Proposed law generally creates the Hazardous Duty Services Plan within LASERS for certain law enforcement personnel hired on or after Jan. 1, 2011, who are members of LASERS, and provides that members of existing hazardous duty plans may retain membership in those plans. Provides that with respect to any matters not addressed within the provisions of the Hazardous Duty Services Plan, the generally applicable LASERS provisions shall apply. The law enforcement personnel eligible for the Hazardous Duty Services Plan include the following persons hired on or after Jan. 1, 2011:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries.

- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by DPS&C.
- (3) Employees of the bridge police section of the Crescent City Connection Division of the DOTD.
- (4) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (5) Peace officers, as defined by R.S. 40:2402(1)(a), employed by DPS&C, office of state police, other than state troopers.
- (6) Arson investigators employed by the office of state fire marshal who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (7) Park rangers employed by the Dept. of Culture, Recreation and Tourism, office of state parks, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (8) Campus police officers employed by the various colleges and universities, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (9) Hospital security officers employed by LSU Health Sciences Center, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (10) Investigators of the Dept. of Justice who are in a position required to be P.O.S.T.-certified.
- (11) All personnel employed in a position required to be P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office, who are otherwise members of LASERS and are not members of any other retirement system.

Proposed law establishes within LSPRS a plan similar to the LASERS Hazardous Duty Services Plan, called the New State Police Retirement Plan, for members of LSPRS hired on or after Jan. 1, 2011.

EMPLOYEE CONTRIBUTIONS

Present law establishes the employee contribution rates in the following amounts for members of the four state retirement systems:

- (1) LASERS: Rank-and-file state employees - 7.5% if hired on or before June 30, 2006; 8% if hired on or after July 1, 2006.
- (2) LASERS: Judges, court officers, the governor, lieutenant governor, and certain legislators - 11.5%.
- (3) LASERS: Certain correctional employees employed by the DPS&C; peace officers employed by the DPS&C, office of state police, other than state troopers; and personnel employed by the Dept. of Revenue, office of alcohol and tobacco control, as provided in R.S. 11:444(A)(2)(c) - 9%.
- (4) LASERS: Clerk of the House and secretary of the Senate - 9.5%.

- (5) LASERS: Wildlife agents - 9.5%.
- (6) LASERS: Bridge police of the Crescent City Connection Division of the DOTD - 8.5%.
- (7) TRSL: 8% for regular members, 9.1% for School Lunch Plan A members, and 5% for School Lunch Plan B members.
- (8) LSERS: 7.5%.
- (9) LSPRS: 8.5%.

Proposed law requires rank-and-file members of state retirement systems hired on or after Jan. 1, 2011, to pay 8% in employee contributions. Further requires hazardous duty members in the Hazardous Duty Services Plan in LASERS and the New State Police Retirement Plan to pay 9.5% in employee contributions. Requires the legislative sergeants at arms to pay 9.5% in employee contributions if employed prior to December 31, 2010; and 8% if employed thereafter.

AVERAGE COMPENSATION

I. LASERS

Present law provides that, for purposes of retirement benefit computation, average compensation of a LASERS rank-and-file members hired on or before June 30, 2006, shall be based on the 36 highest successive months of employment or on the highest 36 successive joined months of employment where interruption of service occurred. The earnings to be considered for the first, second, and last 12-month period shall not increase by more than 25% (anti-spiking provisions).

Present law provides the same 36-month average compensation provisions apply to certain persons, regardless of hire date, who receive an additional benefit pursuant to present law (certain peace officers, wildlife agents, public safety services employees, judicial administrators, judges, certain legislators, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate).

Present law provides that, for any rank-and-file member hired on or after July 1, 2006, average compensation shall be calculated over a 60-month period, and the anti-spiking provisions prohibit an increase in earnings over 15% each year of such period.

Proposed law retains present law but provides that persons hired on or after Jan. 1, 2011, who would receive an additional benefit pursuant to present law (certain peace officers, wildlife agents, public safety services employees, judicial administrators, judges, certain legislators, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate), shall have their average compensation calculated over a 60-month period and shall be subject to the 15% anti-spiking if hired on or after Jan. 1, 2011.

II. TRSL

Present law provides that average compensation for a teacher shall mean the three highest consecutive years of employment or the three highest joined successive years where break in service occurred. Furthermore, anti-spiking provisions prohibit an increase in earnings over 10% each year of such period.

Proposed law retains present law but provides that average compensation for any teacher hired on or after Jan. 1, 2011, shall be calculated over the highest five years, and the anti-

spiking provisions relative to such persons prohibit an increase in earnings over 15% each year of such period.

III. LSERS

Present law provides that average compensation for a school employee hired on or before June 30, 2006, shall mean the three highest consecutive years of employment or the three highest joined successive years where break in service occurred. Provides that average compensation for any school employee hired on or after July 1, 2006, shall be calculated over five years. Furthermore, anti-spiking provisions prohibit an increase in earnings over 10% each year of such period.

Proposed law retains present law with regard to the 5-year FAC, but provides that for members hired on or after Jan. 1, 2011, the anti-spiking provisions relative to such persons prohibit an increase in earnings over 15% each year of such period.

IV. LSPRS

Present law provides that average compensation for a member of the system hired before Sept. 8, 1978, shall be based on the highest one-year period.

Present law provides that average compensation for a member of the system hired on or after Sept. 8, 1978, shall be based on the highest three-year period. Furthermore, anti-spiking provisions prohibit an increase in earnings over 25% during any year of such period.

Proposed law retains present law but, pursuant to the New State Police Retirement Plan created under proposed law, provides that for any member of the system hired on or after Jan. 1, 2011, average compensation shall be calculated over the highest five years. Furthermore, anti-spiking provisions prohibit an increase in earnings over 15% during any year in such period.

RETIREMENT ELIGIBILITY

I. LASERS

Present law provides for retirement eligibility for members of LASERS. Rank-and-file members hired on or before June 30, 2006, may retire: (1) at age 60 with 10 years of service credit; (2) at age 55 with 25 years of service credit; (3) at any age with 30 years of service credit; and (4) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits. Provides that rank-and-file members hired on or after July 1, 2006, may only retire at age 60 with 10 years of service credit.

Proposed law allows rank-and-file members hired on or after Jan. 1, 2011, to retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

Present law also provides various eligibility provisions for several hazardous duty subplans within LASERS, including plans for:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries:
 - (a) 10 years of service at age 55 if hired before July 1, 2003.
 - (b) 20 years of service at any age if hired before July 1, 2003.
 - (c) 10 years of service at age 60 if hired on or after July 1, 2003.
 - (d) 25 years of service at any age if hired on or after July 1, 2003.
- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by DPS&C:

- (a) 10 years of service at age 60.
 - (b) 25 years of service at any age.
- (3) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are Peace Officers Standard and Training (P.O.S.T.)-certified, who have the power to arrest, and who hold a commission from such office:
- (a) 10 years of service at age 60.
 - (b) 25 years of service at any age.
 - (c) 20 years of service at any age, but subject to an actuarial reduction of benefits.
- (4) Peace officers, employed by DPS&C, office of state police, other than state troopers:
- (a) 10 years of service at age 60.
 - (b) 25 years of service at age 55.
 - (c) 30 years of service at any age.
 - (d) 20 years of service at any age, but subject to an actuarial reduction of benefits.
- (5) Bridge police in the Crescent City Connection Division of the DOTD:
- (a) 10 years of service at age 60.
 - (b) 25 years of service at any age.
 - (c) 20 years of service at any age, but subject to an actuarial reduction of benefits.

Proposed law retains present law for hazardous duty personnel hired on or before Dec. 31, 2010. However, pursuant to the Hazardous Duty Services Plan created by proposed law, any hazardous duty personnel hired on or after Jan. 1, 2011, shall only be eligible to retire with:

- (a) 12 years of service at age 55.
- (b) 25 years of service at any age.
- (c) 20 years of service at any age, but subject to an actuarial reduction of benefits.

Present law provides a subplan within LASERS for judges and court officers containing special retirement eligibility requirements and benefit provisions:

- (a) 10 years as a judge / court officer at age 65.
- (b) 18 years as a judge / court officer at any age.
- (c) 20 years of service at age 50 (with 12 years served as judge / court officer).
- (d) 12 years at age 55 (with 12 years served as judge / court officer).
- (e) Age 70 with no service requirements.

Proposed law retains present law for judges and court officers hired on or before Dec. 31, 2010. However, any judges or court officers hired on or after Jan. 1, 2011, shall only be eligible to retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

II. TRSL

Present law provides for retirement eligibility for members of TRSL. Members hired before July 1, 1999, may retire: (1) at the age of 60 with five years of service credit; or (2) at any age with 20 years of service credit. Members hired on or after July 1, 1999, may retire: (1) at the age of 60 with five years of service credit; (2) at the age of 55 with 25 years of service

credit; (3) at any age with 30 years of service credit; and (4) at any age with 20 years of service credit, but subject to an actuarial reduction in benefits.

Proposed law retains present law but provides that present law's retirement eligibility requirements apply only to members hired on or before Dec. 31, 2010. Provides that members hired on or after Jan. 1, 2011, may retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

III. LSERS

Present law provides for retirement eligibility for members of LSERS. Members may retire: (1) at the age of 60 with 10 years of service credit; (2) at the age of 55 with 25 years of service credit; (3) at any age with 30 years of service credit; and (4) at any age with 20 years of service credit, but subject to an actuarial reduction in benefits.

Proposed law retains present law but provides that present law's retirement eligibility requirements apply only to members hired on or before Dec. 31, 2010. Provides that members hired on or after Jan. 1, 2011, may retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

IV. LSPRS

Present law provides that a member of LSPRS may retire if he has:

- (1) 10 years of service at age 50.
- (2) 20 years of service at any age if hired before Sept. 8, 1978.
- (3) 25 years of service at any age if hired on or after Sept. 8, 1978.

Proposed law retains present law but provides that, in accordance with the New State Police Retirement Plan established under proposed law, a member of LSPRS hired on or after Jan. 1, 2011, shall only be able to retire if he has:

- (1) 12 years of service at age 55.
- (2) 25 years of service at any age.
- (3) 20 years of service at any age, but subject to an actuarial reduction of benefits.

V. GOVERNOR, LIEUTENANT GOVERNOR, LEGISLATORS, HOUSE CLERK, SERGEANT AT ARMS, SENATE SECRETARY, AND STATE TREASURER.

Present law provides the following retirement eligibility provisions for the governor, legislators, the clerk or sergeant at arms of the House of Representatives, the secretary or sergeant at arms of the Senate, and the state treasurer, in any actuarially funded retirement system: 20 years of service (at least 12 served in the designated position) at age 50 (or the age requirement of the system of which he is a member).

Present law also permits the governor, lieutenant governor, or member of the legislature to retire with:

- (1) 16 years in such position at any age.
- (2) 12 years in such position at age 55.

Proposed law provides that such members, hired or elected on or after Jan. 1, 2011, may retire: (1) at age 60 with five years of service credit; and (2) at any age with 20 years of service credit, but subject to an actuarial reduction of benefits.

BENEFIT ACCRUAL RATE

Present law generally provides for a benefit calculation formula for each state system typically consisting of: (years of service) x (accrual rate) x (average compensation)], where the accrual rate is a percentage of pay, typically equal to 2.5%, 3%, 3-1/3%, or 3.5%, depending on the member's job classification and the retirement system he is in.

I. LASERS

Present law provides for an accrual rate of 2.5% for rank-and-file members, and 3% to 3-1/3% for certain hazardous duty personnel. Also provides for a 2.5% accrual rate with an extra 1% accrual for every year of service as a judge or court officer.

Present law provides for a 3-1/3% accrual rate for the following groups:

- (1) Wildlife agents of the enforcement division of the Dept. of Wildlife and Fisheries.
- (2) Wardens, correctional officers, security personnel, and probation and parole officers employed by DPS&C.
- (3) Full-time law enforcement personnel, supervisors, and administrators who are employed with the Dept. of Revenue, office of alcohol and tobacco control, who are P.O.S.T.-certified, who have the power to arrest, and who hold a commission from such office.
- (4) Peace officers, as defined by R.S. 40:2402(1)(a), employed by DPS&C, office of state police, other than state troopers.

Proposed law provides, pursuant to the Hazardous Duty Services Plan created by proposed law, that all hazardous duty personnel in such plan hired on or after Jan. 1, 2011, shall receive a 3-1/3% accrual rate. Furthermore, proposed law eliminates the extra 1% accrual for years of service as a judge or court officer, for such persons hired on or after Jan. 1, 2011.

II. LSERS

Present law, relative to members of LSERS, provides for accrual rates of 2.5%, 3%, or 3-1/3%, depending on the member's retirement date.

Proposed law retains present law, but provides that members hired on or after Jan. 1, 2011, shall only receive an accrual rate of 2.5%.

III. LSPRS

Present law, relative to members of LSPRS, provides for accrual rates of 3-1/3%.

Proposed law's New State Police Retirement Plan retains present law.

IV. GOVERNOR, LIEUTENANT GOVERNOR, LEGISLATORS, HOUSE CLERK, SERGEANT AT ARMS, SENATE SECRETARY

Present law provides for an extra 1% accrual rate in any actuarially funded retirement system for every year of service as a the governor, a legislator, the clerk or sergeant at arms of the House of Representatives, and the secretary or sergeant at arms of the Senate.

Proposed law retains present law but eliminates the extra 1% accrual for years of service for such persons hired on or after Jan. 1, 2011.

DISABILITY RETIREMENT**I. LASERS - injuries not sustained in the line of duty**

Present law provides a variety of disability retirement provisions for the following groups of employees for injuries sustained not in the line of duty:

- (1) Rank-and-file members hired on or before June 30, 2006, or peace officers, enforcement personnel in the Dept. of Revenue, office of alcohol and tobacco control, judges, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate, regardless of hire date. Must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them.
- (2) Rank-and-file members hired on or after July 1, 2006. Must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit calculated based on a 2.5% accrual rate.
- (3) Wildlife agents. Must have 10 years of service credit. Shall receive disability benefits equal to 75% of their regular retirement benefit.

Proposed law retains present law for rank-and-file members. Furthermore, provides that judges, the governor, lieutenant governor, the clerk and sergeant at arms of the House of Representatives, the secretary and the sergeant at arms of the Senate hired on or after Jan. 1, 2011, shall be treated as rank-and-file and shall receive the same disability as rank-and-file members in (2) above for injuries not sustained in the line of duty.

Proposed law provides that disability benefits for all hazardous duty personnel hired on or after Jan. 1, 2011, pursuant to the Hazardous Duty Services Plan established in proposed law, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit based on a 3-1/3% accrual rate for injuries not sustained in the line of duty.

II. LASERS - injuries sustained in the line of duty

Present law provides a variety of disability retirement provisions for the following groups of hazardous duty personnel for injuries sustained in the line of duty:

- (1) Wildlife agents - 60% of FAC (Final Average Compensation) with 10 years of service credit.
- (2) Corrections officers - 40% of FAC if less than 10 years of service credit. If he has 10 or more years of service, his disability retirement benefit shall be the greater of 40% of FAC or the amount that he would have received under regular retirement.
- (3) Peace officers - same as not in the line of duty above.
- (4) Enforcement personnel in the Dept. of Revenue, office of alcohol and tobacco control - same as not in the line of duty above.

Proposed law provides that hazardous duty personnel hired on or after Jan. 1, 2011, subject to the Hazardous Duty Services Plan established by proposed law shall receive a disability benefit equal to 75% of FAC for injuries sustained in the line of duty.

III. TRSL

Present law provides that members who have five years of service credit shall receive a disability benefit equal to $2.5\% \times \text{years of service} \times \text{FAC}$, which shall not be less than the lesser of: (1) 40% of the minimum beginning teacher salary; or (2) 75% of FAC.

Present law also provides a multitude of benefits to the surviving spouse and children upon the disability retiree's death.

Proposed law provides that a member hired on or after Jan. 1, 2011, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them. Upon the death of the disability retiree, the normal retirement benefit payment options selected by the retiree shall apply.

III. LSERS

Present law provides that members hired on or before June 30, 2006, must have five years of service credit in order to receive a disability benefit, which benefit shall equal $2.5\% \times \text{years of service} \times \text{FAC}$, but shall not be less than $33\frac{1}{3}\%$ of FAC. Members hired on or after July 1, 2006, must have 10 years of service credit in order to receive a disability benefit, which benefit shall equal $3\% \times \text{years of service} \times \text{FAC}$. Upon the disability retiree's death, the surviving spouse shall receive 75% of the retiree's disability benefit.

Proposed law provides that a member hired on or after Jan. 1, 2011, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them ($2.5\% \times \text{years of service} \times \text{FAC}$ for members hired on or after Jan. 1, 2011). Upon the death of the disability retiree, the normal retirement benefit payment options selected by the retiree shall apply.

IV. LSPRS

Present law provides that a member must have five years of service credit in order to receive a disability benefit for injuries not sustained in the line of duty. Such members shall receive a disability benefit equal to 50% of FAC + 1.5% of FAC for every year of service in excess of 10 years.

Proposed law provides that in accordance with the New State Police Retirement Plan established by proposed law, members hired on or after Jan. 1, 2011, must have 10 years of service credit in order to receive a disability benefit. Such members shall receive a disability benefit that is the same as provided under the regular retirement provisions applicable to them ($3\frac{1}{3}\% \times \text{years of service} \times \text{FAC}$) for injuries not sustained in the line of duty.

Present law provides that a member may receive a disability benefit for injuries sustained in the line of duty regardless of years of service credit. Such members shall receive a disability benefit equal to 50% of FAC + 1.5% of FAC for every year of service in excess of 10 years.

Proposed law provides that in accordance with the New State Police Retirement Plan established by proposed law, members hired on or after Jan. 1, 2011, shall receive a disability benefit equal to 75% of FAC for injuries sustained in the line of duty.

SURVIVOR BENEFITS

I. LASERS - death not sustained in the line of duty

Present law provides for benefits payable to surviving spouses and children upon the death of a member not yet retired who dies other than in the line of duty.

Present law provides for different survivor benefit amounts for surviving spouses and children typically expressed as a percentage of FAC. Provides that a spouse with children shall receive 25% of FAC for the spouse and 50% of FAC for the children. A spouse with no children shall receive 50% of FAC. Children with no surviving spouse shall receive 75% of FAC divided equally among them.

Proposed law retains present law for members hired on or before Dec. 31, 2010, but for members hired on or after Jan. 1, 2011, provides that a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under proposed law. A spouse with no children shall receive an actuarially reduced benefit.

II. LASERS - death sustained in the line of duty

Present law provides for numerous survivor benefits payable to surviving spouses and children of the wildlife agents and correctional officers who die while in the line of duty.

Proposed law provides, pursuant to the Hazardous Duty Services Plan established by proposed law, that for hazardous duty personnel hired on or after Jan. 1, 2011, the surviving spouse and children of a member in hazardous duty services who dies in the line of duty shall receive 80% of FAC, which benefit shall be shared equally between the spouse and children.

III. TRSL

Present law provides that upon the death of member not yet retired, a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under present law. A spouse with no children shall receive an actuarially reduced benefit.

Proposed law retains present law.

IV. LSERS

Present law provides that upon the death of member not yet retired, a surviving spouse with children shall receive 75% of FAC, 1/3 of which shall go to the spouse and 2/3 to go to the children. Children with no surviving spouse shall receive 75% of FAC. A spouse with no child shall receive 50% of FAC.

Proposed law retains present law for members hired on or before Dec. 31, 2010, but for members hired on or after Jan. 1, 2011, provides that a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under proposed law. A spouse with no children shall receive an actuarially reduced benefit.

V. LSPRS - survivor benefits for death not sustained in the line of duty

Present law provides for benefits payable to surviving spouses and children upon the death of a member not yet retired who dies other than in the line of duty. Provides that a surviving spouse shall receive a survivor benefit equal to 25% of FAC if the member had less than five years of service credit; 30% of FAC if he had more than five but less than 10 years of service credit; 40% if he had at least 10 but less than 15 years of service credit; and 50% if he had at least 15 but less than 20 years. If the member had 20 or more years of service, the surviving spouse shall receive a benefit equal to what the member's regular retirement benefit would have been. Surviving children, without a surviving spouse, shall receive the greater of 60% of FAC or the regular retirement that the member would have received. Provides that in lieu of a surviving spouse or children, the member's parents shall receive 25% of FAC.

Proposed law retains present law for members hired on or before Dec. 31, 2010, but for members hired on or after Jan. 1, 2011, provides that a spouse with children shall receive 50% of what the member's normal retirement benefit would have been. Additionally, any children shall each receive 50% of what the spouse would be entitled to under proposed law. A spouse with no children shall receive an actuarially reduced benefit.

VI. LSPRS - survivor benefits for death sustained in the line of duty

Present law provides that for a death sustained in the line of duty a member's surviving spouse shall receive 75% of the salary being received by the member. Surviving children, without a surviving spouse, shall receive 75% of FAC.

Proposed law provides, pursuant to the New State Police Retirement Plan established by proposed law, that for members hired on or after Jan. 1, 2011, the surviving spouse and children of a member in hazardous duty services who dies in the line of duty shall receive 80% of FAC, which benefit shall be shared equally between the spouse and children.

Proposed law requires that any cost of proposed law be funded with additional employee and employer contributions in compliance with Art. X, §29(E)(5)(b) of the constitution of La.

Effective Jan. 1, 2011.

(Amends R.S. 11:62(4), (5)(a) and (c) and (10), 203, 211, 212, 214, 231, 403(5), 441(A) and (F), 444(A), 461(B), 471(A), 478(A), 551, 553 (intro. para.), 581, 601(B), 602, 701(5)(a), (b), and (c)(i), 761(A)(3), 768(B)(2), 778(C) and (D), 779, 1002(6)(b), 1141(A), 1144(B)(2)(a) and (3), 1147(C)(2)(b), 1151(A), 1307(A), 1310(A), 1313(B)(intro. para.), 1316(A), 1317(A)(1)(intro. para.), 1318(A), 1319, 1320(A), 1321(A)(1), 1322(A)(intro. para.); Adds R.S. 11:62(5)(g), 471.1, 611-619, 761(A)(4), 779.1, 1002(6)(c), 1144(B)(4), 1147(C)(2)(a)(iii), 1151.1, 1313(C), 1323, 1323.1, 1345.1-1345.9 and R.S. 24:36(M))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Eliminates requirement that members to whom proposed law applies shall pay employee contributions in the amount of one-half of the system's normal cost, and instead required non-hazardous duty members to pay 8% and hazardous duty members to pay 9.5% in employee contributions.
2. For non-hazardous duty members to whom proposed law applied, changes retirement eligibility provisions from 10 years of service at age 60 to five years of service at age 60, and added a provision allowing such person to retire early with 20 years of service at any age subject to an actuarial reduction of benefits.
3. For hazardous duty members to whom proposed law applies, changes the 10 years at age 60 retirement eligibility provision to 12 years of service at age 55.
4. Relative to LASERS disability provisions, makes technical corrections clarifying that disability must be total and permanent.
5. Relative to LASERS provisions requiring survivor benefits to cease upon remarriage of the beneficiary, requires the beneficiary to notify LASERS within 30 days of remarriage.
6. Relative to the payment of survivor benefits to trusts of beneficiaries under proposed law, provides that if the trust terminates prior to the death of the

beneficiary, the benefits shall be paid to the person having legal custody of the beneficiary.

7. Relative to LASERS Hazardous Duty Services Plan members under proposed law choosing early retirement, provides that for a person who is in state service at the time of retirement, his benefit shall be reduced from the earliest age that he would normally become eligible for regular retirement, as though he had continued working to that age. For a person out of state service at the time of retirement, the years of service he has accrued at the time of retirement shall be used to determine the earliest age that he would normally become eligible for regular retirement.

House Floor Amendments to the engrossed bill.

1. Adds provisions relative to the employee contributions paid by legislative sergeants at arms.